



AGENDA
CITY COMMISSION MEETING
COMMISSION CHAMBERS, CITY HALL
MONDAY, FEBRUARY 22, 2016 5:30 PM

1. CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

2. PROCLAMATIONS: None

3. MAYOR'S AWARD

4. PRESENTATIONS:

A. Venetian Gardens Phase II Update

B. Veterans Update by Don VanBeck

5. CONSENT AGENDA:

Routine items are placed on the Consent Agenda to expedite the meeting. If the Commission/Staff wish to discuss any item, the procedure is as follows: (1) pull the item(s) from the Consent Agenda; (2) vote on remaining items with one roll call vote, (3) discuss each pulled item and vote by roll call

A. CITY COMMISSION MEETING MINUTES:

1. Regular meeting held December 14, 2015

B. PURCHASING ITEMS:

1. Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute Amendment One to an existing Agreement with Stuart C. Irby Company for Fire Retardant Uniforms; and providing an effective date.

C. RESOLUTIONS:

1. Resolution pertaining to certain rates and charges for outdoor lighting services; amending existing rates for certain categories of pole rental poles and fixtures, for both Municipal and private customers; and providing an effective date.

2. Resolution of the City Commission of the City of Leesburg, Florida revising the Schedule SS-1 rates for Electric Service; nullify the existing rate schedule; and providing an effective date.
3. Resolution of the City Commission of the City of Leesburg, Florida approving a personnel job classification, pay grade, and job description of Assistant Electric Service Planner; and providing an effective date.
4. Resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute the Second Amendment to Lease between the City of Leesburg and Wipaire, Inc., to increase the square footage of leased property located at 32725 Echo Drive, and providing an effective date.
5. Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute an Inter-local Agreement between Lake County Government and the City of Leesburg for traffic signal maintenance; and providing an effective date.
6. Resolution of the City Commission of the City of Leesburg, Florida, accepting and approving a utility easement from Storage Unlimited Property Owners' Association, Inc.; and providing an effective date.
7. Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute a Bill of Sale for the transfer of several concrete poles to the School Board of Lake County, Florida, and providing an effective date.

6. PUBLIC HEARINGS AND NON-ROUTINE ITEMS:

COMPREHENSIVE PLAN INFORMATION SIGN-UP SHEET (YELLOW) AVAILABLE

- A. Second reading of an ordinance annexing approximately 7.17 acres generally located on the south side of Poe Road, west of Radio Road (Bakich No. 2/Lake Nissan)
- B. Second reading of an ordinance amending the Comprehensive Plan Future Land Use map for approximately 7.17 acre site generally located on the south side of Poe Road and west of Radio Road (Bakich No. 2, LLC/Lake Nissan)
- C. Second reading of an ordinance rezoning approximately 7.17 acres generally located on the south side of Poe Road and west of Radio Road from Lake County A (Agriculture) to City SPUD (Small Planned Unit Development) (Bakich No. 2, LLC/Lake Nissan)
- D. City Commission approval of the budget calendar for Fiscal Year 2016-17, which includes dates for Commission workshops.
- E. First reading of an Ordinance amending Chapter 7, Buildings and Building Regulations
- F. Resolution approving the final ranking and firm selection by the Evaluation Committee for RFP 160172 - Playground Design, Furnish, and Installation at Venetian Gardens

7. INFORMATIONAL REPORTS:

The following reports are provided to the Commission in accordance with the Charter/Ordinances. No action required.

8. CITY ATTORNEY ITEMS:

9. CITY MANAGER ITEMS:

10. PUBLIC COMMENTS:

This section is reserved for members of the public to bring up matters of concern or opportunities for praise. Issues brought up will not be discussed in detail at this meeting. Issues will either be referred to the proper staff or will be scheduled for consideration at a future City Commission Meeting. Comments are limited to three minutes.

11. ROLL CALL:

12. ADJOURN:

PERSONS WITH DISABILITIES NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE HUMAN RESOURCES DEPARTMENT, ADA COORDINATOR, AT 728-9740, 48 HOURS IN ADVANCE OF THE MEETING.

F.S.S. 286.0105 "If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they will need a record of the proceedings, and that for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based." The City of Leesburg does not provide this verbatim record.

**MINUTES OF THE CITY COMMISSION MEETING
MONDAY, DECEMBER 14, 2015**

The City of Leesburg Commission held a regular meeting Monday, December 14, 2015, in the Commission Chambers at City Hall. Mayor Dennison called the meeting to order at 5:30 p.m. with the following members present:

Commissioner Bob Bone
Commissioner John Christian
Commissioner Jay Hurley
Commissioner Dan Robuck
Mayor Elise Dennison

Also present were City Manager (CM) Al Minner, City Clerk (CC) J. Andi Purvis, City Attorney (CA) Fred Morrison, the news media, and others.

Planning & Zoning Manager Dan Miller gave the invocation followed by the Pledge of Allegiance to the Flag of the United States of America.

PROCLAMATIONS:

Mayor Dennison read and presented a Proclamation to Dr. Charles Mojock, with Lake Sumter State College for his service and dedication.

PRESENTATIONS:

Airport- Seaplane Ramp Status Update

Commissioner Christian moved to adopt Option #3 and Commissioner Hurley seconded the motion.

The roll call vote was:

Commissioner Robuck	Yes
Commissioner Christian	Yes
Commissioner Bone	Yes
Commissioner Hurley	Yes
Mayor Dennison	Yes

Five yeas, no nays, the Commission approved Option #3 of the Seaplane Ramp Presentation.

CONSENT AGENDA:

Commissioner Bone moved to adopt the Consent Agenda and Commissioner Christian seconded the motion.

The roll call vote was:

Commissioner Christian	Yes
Commissioner Bone	Yes
Commissioner Hurley	Yes
Commissioner Robuck	Yes
Mayor Dennison	Yes

MINUTES OF THE CITY COMMISSION MEETING MONDAY, DECEMBER 14, 2015

Five yeas, no nays, the Commission adopted the Consent Agenda, as follows:

CITY COMMISSION MEETING MINUTES:

Regular meeting held October 26, 2015

PURCHASING ITEMS:

RESOLUTION 9723

Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute a fixed unit price services agreement with North Florida Container & Truck Repair for dumpster refurbishing services on an as needed basis; and providing an effective date.

RESOLUTIONS:

RESOLUTION 9724

Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute an agreement between the City of Leesburg, Lake County Government and the District Board of Trustees of Lake Sumter State College for operation of business assistance programs at the Leesburg Business Incubator.

RESOLUTION 9725

Resolution of the City Commission of the City of Leesburg Re-appointing Charles Webster to the Police Officers' Pension Trustee Board to said term to expire December 31, 2017; and providing an effective date.

APPROVED CONCEPTUAL DESIGN FOR SUSAN STREET RESTROOM CONSTRUCTION AS PRESENTED

Commissioner Bone introduced to be read by title only. CC Purvis read as follows:

COMMISSION APPROVAL OF CONCEPTUAL DESIGN FOR SUSAN STREET RESTROOM CONSTRUCTION

CM Minner stated this fiscal year there are a number of restrooms budgeted for and staff is trying to develop one general design concept. Essentially, trying to have a facility which keeps us within our fiduciary responsibility, and to also improve the community so there is not a prison looking building in the middle of a pretty park. Staff would like to get the Commissions consensus on where we are headed as far as a design with a meadow green roof, city logo, some Chicago brick as a skirt around there, kind of some verandas and porches to pretty it up, but stay within budget parameters.

Mayor Dennison asked the cost of each of these designs.

CM Minner stated they vary based on the number of toilets. Roughly, he thinks the budget numbers run from around \$100,000 for a two toilets, to about a \$300,000 bathroom at the splash pad which will be discussed at the workshop tomorrow.

MINUTES OF THE CITY COMMISSION MEETING MONDAY, DECEMBER 14, 2015

Mayor Dennison thinks that is still really expensive; however, did state they do look good and asked if these will be locked at night. CM Minner replied yes.

Commissioner Bone asked if they will have electricity and not just done by sun light. CM Minner replied correct.

Public Works Deputy Director (PWDD) Darel Craine stated in negotiating this and talking with the architect, staff has an estimated price of about \$85 per square foot to build. Hopefully, bring this bathroom in at around \$117,000 plus design which he would estimate at about \$5,000. He stated at this point he is asking for approval to go forward with design then it will need to go out to bid. He added that Recreation Director (RD) Rima took this to the Recreation board and four of the five members responded; all responses were positive.

Commissioner Bone brought up solar energy and asked if this can be incorporated into the facility. He stated it might add to the cost, but in looking around the world at the energy usage and the alternative energy sources, he thinks when building new, this should be something to consider.

CM Minner stated yes, it can be added and yes, it will increase the cost. When we get into the construction contract phase, staff can look at those alternatives as this is bid out and report back to the Commission.

Commissioner Christian moved to approve the conceptual design as presented and Commissioner Bone seconded the motion.

The roll call vote was:

Commissioner Bone	Yes
Commissioner Hurley	Yes
Commissioner Robuck	Yes
Commissioner Christian	Yes
Mayor Dennison	Yes

Five yeas, no nays, the Commission approved the conceptual design as presented.

ADOPTED RESOLUTION 9726 EXPRESSING THE DISAPPROVAL OF THE COMMISSION OF BULLYING IN THE SCHOOLS OF THE CITY OF LEESBURG, AND LAKE COUNTY, FLORIDA

Commissioner Hurley introduced the resolution to be read by title only. CC Purvis read the resolution by title only, as follows:

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA, EXPRESSING THE DISAPPROVAL OF THE COMMISSION OF BULLYING IN THE SCHOOLS OF THE CITY OF LEESBURG, AND LAKE COUNTY, FLORIDA; CALLING FOR AND EXPRESSING SUPPORT FOR EFFORTS BY SCHOOL SYSTEM OFFICIALS TO EDUCATE STUDENTS ABOUT BULLYING AND TO

MINUTES OF THE CITY COMMISSION MEETING MONDAY, DECEMBER 14, 2015

CURTAIN, AND ULTIMATELY TO ELIMINATE, BULLYING IN THE SCHOOLS; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Christian moved to adopt the resolution and Commissioner Bone seconded the motion.

Mayor Dennison requested comments from the Commission and the audience.

Commissioner Hurley commended the Mayor for taking the initiative on this.

Mayor Dennison replied absolutely. She stated she will be attending a meeting Wednesday night with some of the Board of Education members and will discuss this further. She will tell them that there has been a resolution that we want bullying stopped in our schools, and for those parents who cannot get their kids to stop bullying, then you just do not drop it you go ahead and have a safe environment for the kids being bullied. This is not good for the city, it is not good for the individual and we all know some of the instances that happen when someone grows up with bullying. This has got to stop in Leesburg.

Robyn Douglas stated she is the one who sent the letter and also thanked Mayor Dennison for addressing this because at the time she sent the letter she was distraught and nobody was listening or paying attention, but you were. Mrs. Douglas thanked the Mayor and Commission for paying attention and doing something about this because she plans on working on this until something is done. She stated the legislation has not been changed in sixteen years and something needs to be put in place to protect our children; this situation has got to end.

Mayor Dennison thanked Mrs. Douglas for bringing this forward because many times we do not hear about this happening in our schools. She knows this was hard to do and the fact that Mrs. Douglas did not get any resolution from the people in charge, who she brought this up to, Mayor Dennison said bothers her even more.

The roll call vote was:

Commissioner Hurley	Yes
Commissioner Robuck	Yes
Commissioner Christian	Yes
Commissioner Bone	Yes
Mayor Dennison	Yes

Five yeas, no nays, the Commission adopted the resolution.

**ADOPTED ORDINANCE 15-50 ANNEXING APPROXIMATELY 104 ACRES
GENERALLY LOCATED NORTH OF MORNINGSIDE DRIVE AND EAST OF
SILVER LAKE DRIVE FOR HARTMAN GOLF MANAGEMENT**

City Clerk Purvis read the ordinance by title only, as follows:

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA,
ANNEXING CERTAIN REAL PROPERTY CONSISTING OF

MINUTES OF THE CITY COMMISSION MEETING MONDAY, DECEMBER 14, 2015

APPROXIMATELY 104 ACRES AND BEING GENERALLY LOCATED ON THE NORTH SIDE OF MORNINGSIDE DRIVE AND EAST OF SILVER LAKE DRIVE, LYING IN SECTION 1, TOWNSHIP 19 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA, PROVIDING THAT SAID PROPERTY SO ANNEXED SHALL BE LIABLE FOR ITS PROPORTIONATE SHARE OF THE EXISTING AND FUTURE INDEBTEDNESS OF SAID CITY; PROVIDING THAT SUCH ANNEXED PROPERTY SHALL BE SUBJECT TO ALL LAWS AND ORDINANCES OF SAID CITY AS IF ALL SUCH TERRITORY HAD BEEN A PART OF THE CITY OF LEESBURG AT THE TIME OF PASSAGE AND APPROVAL OF SAID LAWS AND ORDINANCES; PROVIDING THAT SUCH ANNEXED TERRITORY SHALL BE PLACED IN CITY COMMISSION DISTRICT 1; AND PROVIDING AN EFFECTIVE DATE (Hartman Golf Management/Silver Lake).

Commissioner Robuck moved to adopt the ordinance and Commissioner Bone seconded the motion.

Mayor Dennison requested comments from the Commission and audience.

Commissioner Robuck asked if CA Morrison could address whether or not he has a conflict of interest as some concern has been raised.

CA Morrison stated in his opinion, Commissioner Robuck does not have a conflict of interest. The way state law is written, to have a conflict you must have either the chance of a special private gain or a special private loss to you or to some member of your family. In his opinion, whatever effect this development might have on property that far away is too attenuated and if anything your property values, according to the testimony presented, would go down and Commissioner Robuck is willing to accept that, so he does not see that it is a conflict.

Greg Beliveau, with LPG representing the property owner Mr. Hartman, stated since the first reading they have met with some of the property owners on some issues and he would to clarify those as part of the PUD. He stated they agreed to enhance the buffer around the property to make it more opaque. They agreed that all single family homes in the development will have two car garages. They agreed if additional bedrooms are added to the minimum 1,800 square feet, each additional bedroom will add 120 square feet more. Mr. Beliveau stated those are the new conditions.

Mr. Beliveau also stated since the last meeting they spoke with Lake County Public Works staff, Director Jim Stivender and the Assistant Director Fred Snyder. Two major conditions came out of discussions; 1) Highland Street is not to be a secondary access, it is to be an emergency access only, and 2) traffic calming on Morningside Drive. He stated they have no problem with making a condition of the PUD that Highland will have emergency gates for EMTs, Fire and Police; residents will not be using it as a secondary access. As to Morningside traffic, we learned the county has actually been working on a way to do traffic calming and asked if they would be willing to do a major improvement to their entrance, to which they concurred. He passed out a preliminary design of a traffic

MINUTES OF THE CITY COMMISSION MEETING MONDAY, DECEMBER 14, 2015

circle or roundabout that the county would like at the development entrance as a way to keep the traffic circle totally impacting only their site and no other adjacent property owners. Mr. Beliveau stated they will take the whole hit to install the traffic circle. He stated that this again is only a schismatic of what it could look like and that the final design will be worked out with Lake County Public Works at the start of construction. He stated the county also wants them to remove all the traffic humps because they feel the circle is going to have a phenomenal effect on slowing down all the traffic on Morningside.

Mr. Beliveau stated as to housing counts, they looked at the character of the homes in the area, to the east is 166 homes and to the south is 279 homes; so their amount of homes is very consistent with the density that is consistently around them. The future land use map for Lake County allows 440 homes on this property and annexing into the city allows 416, therefore reducing the number of units through the two FLU designations by 24. He stated they are trying to be very compatible with the character of the subdivisions around them and recognize the fact that they want to be good neighbors and have made an effort to fit in the area. This understand this property has been vacant for 12 years, people have been living next to a vacant piece of property but the property is land use designated for 440 and is zoned for 144. They are only asking for a marginal increase in the number of units and asking in return for that marginal increase there is open space, buffers, enhanced landscaping, and there are improvements to the road system.

Chad Watkins asked about retention pond / water issues and if any contact has been made with St. John's Water District Management.

Mr. Beliveau stated they have been in contact with St. John's and have had their engineer do preliminary analysis of the system on the northern piece. They are aware of the 100-year flood issue which is why there is more open space on the north piece than the south piece of this property. When they get to the northern phase and the final engineering is completed then more detailed discussions and analysis will be done with St. John's.

Martha Rich asked why Mr. Hartman will not make the entrance on Silver Lake where he has approximately six acres.

Mr. Beliveau stated Mr. Hartman owns five lots on Silver Lake and those lots are not being annexed into the City and are not part of this PUD application. He wants to keep those as large lots to be sold as large houses and does not want them as part of an access connection to this project. They want to utilize Morningside as the main entrance into this PUD.

Laurel King brought up issues with traffic and stated Morningside will not be used, Fairway Drive will and it cannot handle any more traffic than it has now.

Susan Hepsure wished everyone a Merry Christmas. She stated in her opinion, the road will not bear more traffic because there are too many potholes. She asked about the barrier because if you have a gated community, a gated community has barriers but only vegetation was mentioned, no barrier or wall.

MINUTES OF THE CITY COMMISSION MEETING MONDAY, DECEMBER 14, 2015

Mr. Beliveau stated they offered a wall and most of the property owners said they did not want a wall so that is why they went with the enhanced landscaping in lieu of a wall between the subdivisions. They will have a wall in the front along Morningside and will go with enhanced vegetation. The entrance will have gates and he has been working with communities that have gated entries of different types, shapes, and sizes for over almost 30 years in Lake County and they have been various types with either cards, box, keys, or codes and they all work how they are maintained. He stated the reason for an HOA here is because of the open space and other things that are going to be maintained and they have restrictions to be strictly enforced to keep up the quality of the project.

Russell Woods stated the entrance to the golf course was always on Silver Lake Road and nobody seemed to have a problem with that and now all of a sudden they figure they can make more money off those lots so will not put the entrance there. He stated Morningside Drive is way too narrow right now as it for any more traffic, people have nowhere to walk, cannot ride their bikes and to get to the lake they all go down Morningside. Once you get to the lake, Silver Lake Road has bike spots on both sides of the road and is a lot wider. Someone brought up headlights shining into houses, he said it would have been going straight into his house but he never said anything about that and with this change for a roundabout, he can now get the whole car to drive right through his house if they don't make the turn. To take out the speed bumps is asking for real trouble because cars fly up and down Morningside Drive all the time now even with the speed bumps. Mr. Woods said he heard this whole thing started when Mr. Robuck's grandfather and several of his wealthy friends did not want high end condos built on the end of the golf course so the guy who owned the golf course before said okay I will bulldoze a million dollar club house and shut down the oldest golf course in Lake County, but no one seemed to think that was a big deal. Now here we go again.

Mr. Beliveau stated to clarify, the county wants them to take out two of the three speed bumps, the one before and after the circle, but not the one further down. The point that Mr. Stivender and Mr. Snyder made is that the circle is to slow down cars because of the speed out there on Morningside. They are the alleged experts and they said the intent of the circle is to calm traffic down because they again recognize just what this gentleman said, traffic is going too fast down that road. This traffic circle has been on the county's drawing board for two years, they were just looking for somebody to show up and actually pay for it.

Jay Boyd stated his family has been out there for 70 years and this is very emotional thing for him. He walks around that lake almost every day with his grandchild and it is dangerous now. He asked about security for his property, stating in his opinion a buffer is not going to get it because he has woods behind him and he is not real interested in having somebody come to visit without his knowledge. They used to have the country club property, the driving range, behind them and the lake on the front and he just hopes, whatever you decide, that you understand once you make that decision you all do not have to suffer the consequences like we will. Let's try to do the best thing for the community and those of us who have been living there for a long time.

Pamela Guinn stated as to the change on the buffer as far as the opaqueness, she would like to know the scale of how that is measured and get a commitment as to the level, as if

MINUTES OF THE CITY COMMISSION MEETING MONDAY, DECEMBER 14, 2015

it is the maximum level allowed. So if it is one through five, with five being the densest, what will they commit to; the most density allowed please.

Mr. Beliveau stated he believes the level goes from A to B to C and this is a C, within every 100 feet. They increased the amount of plant material, 33 three gallon plants to make it opaque.

Ms. Quinn asked who will be responsible for irrigation, the homeowner or the HOA. Mr. Beliveau stated initially the HOA because these are all behind the homes and then eventually the home owner will be after they are planted. The HOA is going to be responsible for the complete, the continued enforcement of the landscape buffer.

Ms. Quinn stated in regards to the school population issue there is a fine that is incurred when schools are over capacity, in this zone it is Treadway Elementary, and she does not know if this issue has come up in regards to negotiating with the county to be able to handle the potential fines for being over populated on Treadway Elementary.

Mr. Beliveau stated they have computed how many school children and computed how much money they will be giving the school system in impact fees. First, 36 elementary school children, which is two elementary class rooms; 17 middle school students and 21 high school students out of this development and that is based on ratios the school system provides. They are going to create a revenue over two million dollars in impact fees to address those impacts. He stated Treadway is over capacity today but the other thing is the other elementary schools in this district, which they call CSA-9, are not over capacity. So, do they do a rezoning to bring kids that are now going to Treadway to other schools to balance the system out, they do not know. But the good news is the elementary schools in the entire CSA are not over capacity, but they may by the time we get there, we do not know.

Martha Rich stated an article in the Daily Commercial dated December 8, 2015, states Treadway Elementary, Lost Lake Elementary, and Tavares Elementary all have to many students.

Mayor Dennison stated she did not want to get into this; however, if we are giving millions of dollars to the Board of Education, it is up to us to make sure that the Board of Education spends that money wisely and puts it where it is needed. That is another issue we need to follow up on.

Chandler Watkins asked if the city is going to go ahead and annex all this land, why does it not also consider annexing those Silver Lake properties and then put the entrance there. Have there been any traffic studies in regards to whether that would be a better entrance than Morningside, because so far all we have heard is that it is absolutely non-negotiable, but it might be something to consider if there is a better alternative. He stated in regards to the education issue and the impact that is going to have on the county, he thinks it might be more reasonable to have the county discuss this decision and that alternative being proposed instead of the city trying to annex.

David Hammond stated his main issue is the traffic on Morningside and now that the second entrance is closed, all traffic will be forced to Morningside. He stated the

MINUTES OF THE CITY COMMISSION MEETING MONDAY, DECEMBER 14, 2015

possibility of an entrance on Silver Lake was brought up at the zoning board meeting but now is out of the picture. His only statement to the Commission before it votes is he feels like this country, with this coming election, there has been a lot of questioning of government officials and whether they really listen to the people and really respond the way their constituents would want them to. His challenge before the vote is this room is full of people who obviously disagree with different aspects of this development so please take that into consideration. He owns property in the City of Leesburg but does not live on that property so he cannot vote for the Commissioners, but as the City Manager mentioned about how we might save tax money to be annexed in, he wants to feel like the Commissioners really understand his views and are going to listen to what he has to say because you represent the people.

Mr. Beliveau stated there are also people out there who support them but do not show up at these meetings to voice that support vocally. He has received telephone calls, has had people tell him that they have gone door to door and have spoken to people who live out there who think this is a good project. He also stated they have gone the extra mile for planning development on the information provided; they have listened to the folks and responded to almost every aspect of what has been raised. They have gone way and above in an effort to try to calm the waters and give the Commission information needed to make an informed decision.

Linda Havanic asked if annexed by the city, do they also get city water. CM Minner replied yes.

Planning Manager (PM) Dan Miller stated in order for anyone else out there, if this property is approved, to bring anyone else onto city water and wastewater it has historically been the policy of the city that those properties would have to annex also. Residential property cannot be forced to annex, in other words the city cannot go out and annex your property, you have to come to the city and put in an application. So, yes this development if it is approved will have city water and wastewater services.

Jacquelyn Husebo stated the area is going to face change at some point, it has been vacant for 12 years, and the change that has been proposed twice before has been turned down. She thinks we need to look forward and have vision for the community. If he is willing to go through all these lengths, jump through all the hoops he has, make all the changes he has and still come out with the quality development that is here, she thinks the area benefits. She thinks we have to release the fact that we are not going to have it as it was in 1970, 1980, 2000 or 2010. Every group of people that moved in had a vision of their own, but this man owns private property and at some time this private property has to be allowed to go into some sort of development. She asked why would a private person want to make it a park. There are lots of idealistic things we can all come up with for other people's property, but in the end, we have to allow private property rights to reign and she would like to see a developer of this quality be allowed to exercise his rights.

Chandler Watkins brought up the St John's Waterway previously discussed, stating currently the county is responsible for dealing with any draining issues that come up, but questioned if the city was to annex the land, then would the city be responsible for the drainage.

MINUTES OF THE CITY COMMISSION MEETING MONDAY, DECEMBER 14, 2015

Mayor Dennison stated the city would deal with St John's water the same way as the county would.

Mr. Watkins asked what if the pipe was to break.

CA Morrison stated there is a simple answer to that and for quite a number of years now as a condition of permitting any development of any kind residential, St Johns requires the developer set up an HOA or have some other entity obligated in perpetuity to maintain all the drainage. They would be obligated by an agreement with St Johns as part of the permit process to do that.

Mr. Chandler stated the pipe runs from the golf course, which is theirs, across several people's property and it has to be maintained if it gets clogged. That property cannot drain into the flood field without going across the property with the pipe.

CA Morrison stated if it is outside the development, he is not sure who would maintain it, but if it is in the county it is probably the county.

Mr. Watkins stated the pipe runs across several properties and the county said that if it every gets clogged they would maintain it.

Mayor Dennison stated there is your answer, it is outside the development.

Mr. Watkins asked if the county is going to be responsible for maintaining that pipe and the city is annexing the land that is causing the drainage, why is it better and more beneficial for the city to annex the land rather than them trying to get the development run through the county.

Commissioner Robuck replied because of the utilities; they need utilities and the county does not have them, the city does.

CM Minner stated when you have commercial development or a PUD or a major residential development like this, the St. Johns water district throughout the state regulates stormwater flow. A development of this size will not be allowed to have stormwater runoff their property; they will be required to build retention areas. There will be blow offs and there still could be the potential of some stormwater to leave the property, but a majority of the stormwater property is going to be designed such that it is retained on that property. If Mr. Beliveau's presentation here tonight does not have enough stormwater retention, he is going to be required by St. John's to increase the retention areas, so therefore, if he has to lose lots because he has to show more area that needs to be retained in retention areas he is going to have to do that. CM Minner stated stormwater retention will be required on their property and that should significantly mitigate any stormwater concerns that the residents have in that area; whether this is a county or a city development.

Joe Jarrod stated this is getting into the emotions of these people and himself and that is going to live forever. He thinks we need to sit back, all the answers are not here and he think there is opportunity for better use of this property. Yes, he agrees it is private and he should be able to make money, but the way he went about doing it in the long run did not help anybody. He agrees with doctor Watkins, has anybody even considered

MINUTES OF THE CITY COMMISSION MEETING MONDAY, DECEMBER 14, 2015

anything else other than generate revenue from an annexation that seems like it is going to highly expensive one day; the revenue made is nothing, the emotional outcry is going to be incredible. He would ask respectfully did Mr. Hartman manage the property highly, no, so what makes us think he would continue to. He stated to Commissioner Robuck the reason he came after him on the conflict of interest was just to bring it up so he would discuss it; it was a favor and taken the wrong way, he apologizes. He wanted to bring Commissioner Robuck into their arena and understand what they are looking at. They are looking at quality of life, but quality of life takes quality management and Mr. Hartman does not have a great track record; that is their biggest issue.

Mayor Dennison called for the roll call on the annexation of 104 acres.

The roll call vote was:

Commissioner Robuck	Yes
Commissioner Christian	Yes
Commissioner Bone	Yes
Commissioner Hurley	Yes
Mayor Dennison	Yes

Five yeas, no nays, the Commission adopted the ordinance.

ADOPTED ORDINANCE 15-51 AMENDING THE COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE MAP FOR APPROXIMATELY 104 ACRES FROM COUNTY URBAN LOW DENSITY TO CITY ESTATE FOR HARTMAN GOLF MANAGEMENT (SILVER LAKE)

City Clerk Purvis read the ordinance by title only, as follows:

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN FOR THE CITY OF LEESBURG, FLORIDA CHANGING THE FUTURE LAND USE MAP DESIGNATION OF CERTAIN PROPERTY CONTAINING APPROXIMATELY 104 ACRES, BEING GENERALLY LOCATED ON THE NORTH SIDE OF MORNINGSIDE DRIVE AND EAST OF SILVER LAKE DRIVE, LYING IN SECTION 1, TOWNSHIP 19 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA, FROM LAKE COUNTY URBAN LOW DENSITY TO CITY OF LEESBURG ESTATE; AND PROVIDING AN EFFECTIVE DATE. (Hartman Golf Management/Silver Lake)

Commissioner Bone moved to adopt the ordinance and Commissioner Hurley seconded the motion.

Mayor Dennison requested comments from the Commission and audience.

Commissioner Bone stated he does not look at where someone lives; in the city limits or not in the city limits here on this discussion. He does know this is important to everyone regardless of where your boundary is in the city or county. You may live in the county and work here in Leesburg or have family that lives here in Leesburg, or own property in Leesburg. He just wants that to be said. He appreciates everyone coming and voicing

MINUTES OF THE CITY COMMISSION MEETING MONDAY, DECEMBER 14, 2015

their comments tonight and he takes them the same way that he would regardless if you were a city resident yourself.

Commissioner Hurley would like to echo Commissioner Bone's comments. For him, this issue is a city issue, it is a quality of life issue, and it is an economic development issue. When he started running he sat down with city leaders to understanding why Leesburg does not have certain restaurants in our community but they have them in Mt Dora for example. It is because our medium incomes are too low or our population density is too low. If you look at the mall, here someone come in to Leesburg and has started pouring an enormous amount of money in to it with the promise of continuing to do so and for every person in this room, in our community, we benefit from the Lake Square Mall thriving, benefitting, and becoming a success opposed to being closed up and a big ugly spot out in the middle of 441; we came close. This is kind of a difficult time because of the emotions brought up. Leesburg has 25,000 people and he knows who comes to the commission meetings; right now there are about 28 people here on this subject tonight out of the 25,000 people who live here because this affects you as far as your property connecting to it in some way and he appreciates that. Commissioner Hurley stated he believes he speaks for all the Commissioners when he looks on how this effects everything, how it applies the city as a whole, and not just to a street or a neighborhood. He appreciates what Ms. Husebo had to say, and will tell you that Jay Hurley is going to support this and is going to push for this. He understands there are concerns and will tell the residents who live in the area and others that are on either side, he is going to support this because everything he looks at is a plus by having this development take place as opposed to a weed patch. For this to happen, it is not a matter of we stand and just argue but we need to find a remedy; how are you going to be able to allow this to happen where you feel good about it and that it is not a negative. Leesburg does not have a lot of up medium to high scale neighborhoods and here is an opportunity for one to come in and it is going to be gated. There all kinds of things put in place to make sure it is going to be a nice neighborhood that someone would want to live in; it is not going to be section 8 housing in your back street, this is going to be something to benefit your property. He stated the one thing we do ask is for respect when speaking and if you do not want to give that then please leave the room. There are issues and yes, this is a very volatile time for politicians, but at the end of the day we are all here because we want what is best. Personally, he stated he does not like the round-about, but they are here and they are on streets and we have to drive around them instead of wrecking. He has spoken to Mr. Beliveau about where he thinks the entrances could be that would be better, but at the end of the day, this needs to happen for a lot of reasons. He understands where everyone is coming from, but it is heartfelt up here on this Commission, we really want what is best; we want the mall to thrive and we want Silver Lake to thrive. We need to have this and we need to do it where it works for everybody. He is just asking to please understand if this passes, bring some ideas beside telling the guy to donate it and turn it into a park and let's see if we can do something productive that helps Leesburg keep moving forward. We need to keep reassuring other businesses that are coming in to our community that we are here, we are supportive and want positive growth because you are going to get something, so we might as well make it positive growth.

Commissioner Robuck stated as to the annexation just voted on, 1) He thinks now that it is in the city, everyone who has a house out there gets a big benefit because the property maintenance code the city adopted recently now applies to that property also. The county

MINUTES OF THE CITY COMMISSION MEETING MONDAY, DECEMBER 14, 2015

passed an ordinance to deal with abandoned golf courses, but decided to exempt all golf courses abandoned prior to 2010, which is all the big golf courses in the county, so do not know where they were going with that, which is why they did not have to maintain it, but now the property has to be maintained. Now instead of having this eyesore, whether you like it or not, it is going to be maintained because if not our Code Enforcement officer will be out there citing them and we now have teeth behind it. That is a benefit to everyone. 2) the other benefit he thinks everyone here gets that is sometimes overlooked is just because you do not live in the City of Leesburg city limits, you still live in Leesburg. He grew up out there and used city services all the time; the City of Leesburg Public Library, recreation with the City of Leesburg recreation department but they did not pay taxes to the City of Leesburg so this is good from the city standpoint. This does help with property taxes and electric utilities and if the city cannot provide those services then everyone out at Silver Lake uses that is a problem. Also, whether you like this project or not, the annexation is certainly a good thing for everyone out there. As to the school impacts, this is new school stations, and there were some concerns that he thinks are important to note, with no new growth because of the way Lake County choses to fund schools, and this is a choice the school board has made, like it or not, we fund 100% through impact fees from new construction. No new construction, no new student stations, so the only way we can deal with overcrowding in our schools is through new development; it is the only way to generate more money. The two million dollars that does not go to operate the schools, it is not allowed to by law to operate the schools for three months, that has to go to building new student stations. Commissioner Robuck stated the Mayor is correct, and after this meeting everyone should be calling their school board members and saying hey, this money coming from this project use it in our schools, do not take it to build a school in south lake, we need it right here. Unfortunately, though we do not get to make those decisions but we certainly can remind them of that.

Commissioner Christian stated for him this is more about vision for Leesburg and we must understand it is 104 acres of land in the primary of Leesburg; near the mall. For years Treadway has always been an A-1 school, so of course if I am a property owner and own 104 aces I want to develop, for me it is big on property rights. He understands those who live there making a say, and he thinks the developer has made some concessions. He has worked with the city, with a local land planning group over say a KB Homes coming in and just cookie cutting homes with 10 foot lot lines. The city partnered with the mall, wants to see the mall successful, and most marketing experts will tell you if you want to build a restaurant or retail you look within a two mile radius. This of course is two mile radius of the mall so hopefully this will be a bench for our city that will continue to help the mall grow, help our city as a whole be looked upon county wide as something not just necessarily pro-growth, but pro-family. He does not want to Leesburg to be a 55 plus city; he wants to make sure our city has diversity housing where all ranges of people move to our city and he thinks this development allows that to happen. Commissioner Christian commended the residents for coming and speaking their peace. Like the other Commissioners, it does not matter you if live in Leesburg, if you live out in the county; we all live in Lake County, and as Commissioner Mr. Robuck mentioned we all enjoy the city services of City of Leesburg. He thinks Leesburg, when compared to other cities, has more amenities than any other city in Lake County and he think this development will continue to help us grow. Leesburg has the only enclosed mall in the whole county which is saying something and we partnered with the developer of the mall to say

MINUTES OF THE CITY COMMISSION MEETING MONDAY, DECEMBER 14, 2015

Leesburg supports your efforts in investing millions of dollars. He would only ask the residents to hold this developer accountable. As one gentleman said he has not been a good steward of the golf course and as Commissioner Robuck has said now he is in the city, so he is sure Mr. Beliveau is going to go tell him, you are going to maintain your vacant property and if he does not, then code enforce will get him.

Chad Watkins stated now that this is under city control, he would highly suggest that in order to make everyone here happy, that maybe those five properties should be put on the table, be brought back to the Commission as a possibility to annex, and therefore a new entrance could be put on maybe Morningside and Silver Lake. That way we are working together, county/city stewards, public stewards, and property owners as citizens.

Greg Beliveau stated before the Commission tonight is the PUD of 104 acres. Those five lots are not included; they did look at considering those but said no, we want to leave those as large lots in the county and they are in character with the large houses there along Silver Lake. The PUD lots are consistent with the large lots around Silver Lake or the open spaces abutting those large lots. Mr. Beliveau stated they are trying to make their development consistent with the neighbors.

Commissioner Bone asked what the current land use category in the county is. Greg Beliveau replied county is 440 units and the city is 416.

Commissioner Bone stated so this is to create a land use for the property that has a slightly lower density than what the county land use is, but is still not addressing the actual lots and how many units. Greg Beliveau replied correct.

PM Miller stated the item before the Commission is the comp plan amendment; the future land use in the county is urban low density and urban medium, and the request is to go to city estate. Urban low density is four units an acre and city estate is four units an acre.

Mayor Dennison stated the Commission will go ahead with this vote, but thinks the request from these individuals tonight is actually pretty good. She asked Mr. Beliveau if he could go back to his builder and inquire about annexing those additional five lots into the city. She stated it does not hurt to ask.

Mr. Beliveau stated if annexed in, they we will annex as large lots to hook them up to city water, city sewer, and build five large homes on them.

The roll call vote was:

Commissioner Christian	Yes
Commissioner Bone	Yes
Commissioner Hurley	Yes
Commissioner Robuck	Yes
Mayor Dennison	Yes

Five yeas, no nays, the Commission adopted the ordinance.

**ADOPTED ORDINANCE 15-52 REZONING APPROXIMATELY 104 ACRES
GENERALLY LOCATED ON THE NORTH SIDE OF MORNINGSIDE DRIVE
AND EAST OF SILVER LAKE DRIVE FROM LAKE COUNTY R-1 TO CITY
PUD FOR HARTMAN GOLF MANAGEMENT (SILVER LAKE)**

City Clerk Purvis read the ordinance by title only, as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF
LEESBURG, FLORIDA REZONING APPROXIMATELY 104 ACRES
GENERALLY LOCATED ON THE NORTH SIDE OF MORNINGSIDE
DRIVE AND EAST OF SILVER LAKE DRIVE, AS LEGALLY
DESCRIBED IN SECTION 1, TOWNSHIP 19, RANGE 25 EAST,
FROM LAKE COUNTY R-1 (RURAL RESIDENTIAL) TO CITY PUD
(PLANNED UNIT DEVELOPMENT) FOR HARTMAN GOLF
MANAGEMENT; AND PROVIDING AN EFFECTIVE DATE (SILVER
LAKE)

Commissioner Robuck moved to adopt the ordinance and Commissioner Bone seconded the motion.

Mayor Dennison requested comments from the Commission and audience.

Commissioner Robuck inquired about the square footage and asked if the wording for the 1,800 square foot home and then add 120 square feet for each additional bedroom is in the PUD itself.

PM Miller stated if that motion is approved, staff can add that wording specifically.

Commissioner Robuck stated he would like to add it to all the minimum square footage; the same criteria in the 1,500 square footage townhouse also.

PM Miller stated the request Mr. Beliveau made at the beginning of the meeting regarding the PUD was to have minimum two car garages on single family, for all additional bedrooms, if someone decided to add another bedroom, would have a minimum 1,800 square feet and add a minimum 120 to that. Then the secondary entrance access what would come under the site access portion of the PUD, on Highland Road would be emergency only. We have those three changes.

Commissioner Robuck stated the reason he wants this added is because he is concerned about the quality of the development. While this developer says he is going to develop the property, there is nothing the city could do that would force him to develop it, and he could sell it to someone else. What Commissioner Robuck does not want to see happen is someone say well the city allowed 1,500 square foot townhouses, so they are going to make that a 1,500 square foot five-bedroom townhouse which is not consistent with the surrounding use. This would ensure it keeps the intent of the development as a higher end development.

Mr. Beliveau stated they would agree with all that.

MINUTES OF THE CITY COMMISSION MEETING MONDAY, DECEMBER 14, 2015

Commissioner Christian asked if the townhomes will have double car garages as well.

Mr. Beliveau stated they could make that condition as well.

Commissioner Robuck moved to amend to add on all the units with additional bedrooms, an additional 120 square feet has to be added per bedroom, that each unit has a minimum of a two car garage, and to make Highland Street emergency access only. Commissioner Bone seconded the motion.

Commissioner Christian asked if the additional buffer language is already in the PUD and Mr. Beliveau stated yes, it is.

The roll call vote on the amendment was:

Commissioner Bone	Yes
Commissioner Hurley	Yes
Commissioner Robuck	Yes
Commissioner Christian	Yes
Mayor Dennison	Yes

Five yeas, no nays, the Commission adopted the amendment.

Commissioner Bone brought up the road classifications, arterial, collector and major collector, and stated based on the type of road it is determines how much traffic that road is able to handle. He asked if a collector road is the proper classification for Morningside Drive.

Mohammed Abdallah, Traffic Consultant, stated there is no official classification currently on Morningside Drive, but it does function more or less as a collector road. The capacity of the road is certainly in line with the traffic that it is carrying; it is well under capacity.

Commissioner Bone stated he would like to echo some of the same things Commissioner Hurley and Commissioner Christian said about the vision for Leesburg. He moved to Leesburg just before the golf course closed, so got to enjoy a couple of events there and he was kind of surprised being a new person in town that it was gone soon after I came here because it seemed to be a nice asset to Leesburg. Of course he was not involved in the decisions made about whether the city should take it as a golf course or not and things can be looked back on in hindsight and here this acreage sat vacant for many years and he is sure if there were other opportunities to use it for something that was viable the city would have heard and those could have come and been considered by now. Leesburg has a mall where actually someone did own it for very briefly and if you were to look into who this person was, you would find out that he owns some malls in other places in Florida that are pretty much flea markets. The current mall owners have invested lots of money and have activities there, so when we have people with vision outside of Leesburg, outside the country come and make an investment like this, he thinks it says a lot for what people see in the potential of Leesburg. In this area of Silver Lake, he does not believe a developer would come in and make the investment they are proposing to make if they did not already think something good of the neighborhood. They want to have a successful development there with people who can help bring up the per capita

MINUTES OF THE CITY COMMISSION MEETING MONDAY, DECEMBER 14, 2015

income in Leesburg and that will help the mall and will help all of us in Leesburg. Commissioner Bone stated he does see this as something that is positive, he does not say it does not have its negative sides and your concerns are justified. There will be additional traffic and they will have to meet standards, so your concerns are well taken but this development with the proposal given has a good vision and good intent and he is supportive of it.

Carl Martin stated his concern along Morningside is for the pedestrians and asked if there is any way to put in sidewalks. He stated there seems to be plenty of right of way all the way up to Radio Road and it would really help the neighborhood if a sidewalk could be installed to make it a safer area for the pedestrians.

Greg Beliveau stated they can look at that and coordinate with the county to see if that is possible, but as a private developer they cannot buy right of way. He stated they will be required to put in sidewalks along the front 600 feet of their development on Morningside.

Russell Woods stated he and two neighbors chipped in for the street light right on the corner of Green, and they pay for the electricity to that street light. He would like to know what is going to happen with that with the roundabout.

Greg Beliveau stated this is just a schematic and by the time they get to the point of development will have to work out street lights; where the street lights are, where to add, right now they do not know. The final design will be worked out with the county.

Martha Rich stated she purchased her home off Summerset about a year and a half ago for \$165,000, easily put in another \$50,000 and now has got to sell. If she does not sell before construction starts she will never get her money out of the home because who is going to want to buy a 15 to 20 year old home for \$250,000 when they can buy a brand new home for that amount. It is not fair; put the entrance on the lake side.

Commissioner Robuck stated he has received a lot of personal attacks tonight that he has been letting slide by. He thinks everyone here would like the country club to come back, that would be the best thing, he agrees, but it is not going to happen. Mr. Hartman did not purchase a well-functioning club, the members had to sell it because it was bankrupt and they were out of money; they had sell, they were forced. Anyone sitting here could have gotten people together and bought the club at that point in time but there was no push by the residents to buy the club, because it was a losing money venture. Mr. Hartman stuck his neck out and it did not work out like he thought. He sat on the property for 12 years paying property taxes, so it certainly has not been a good investment. He stated there seems to be this undercurrent in all the comments made that somehow making money is bad; if you think making money is bad you are living in the wrong country. The United States uses capitalism, we try to make money and so good for him for trying to make money, maybe he will make 10 million dollars that would be fantastic; I hope everyone in here makes 10 million dollars that would be great, there is nothing wrong with that. Commissioner Robuck stated someone commented about his grandfather's wealthy friends stopping the condos, well he was deceased before they were torn down so that surely was not it. It bothers him when people try to demonize people for being successful; there is nothing wrong with that. Not everyone is going to

MINUTES OF THE CITY COMMISSION MEETING MONDAY, DECEMBER 14, 2015

like this development, but this developer has made more changes to this PUD than any PUD he has ever seen during his time on the Commission or the times he sat in commission meetings. If you think this is a bad subdivision, go look at a Miranda subdivision. This is so good for the area and good for people's property values. You may not believe it, but that club has been a drag on that whole area and this is such a positive for the area. We know there is going to be contention on anything, but he thinks this is a great thing for Leesburg.

The roll call vote on ordinance as amended was:

Commissioner Hurley	Yes
Commissioner Robuck	Yes
Commissioner Christian	Yes
Commissioner Bone	Yes
Mayor Dennison	Yes

Five yeas, no nays, the Commission adopted the ordinance.

INFORMATIONAL REPORTS: None

CITY ATTORNEY ITEMS: None

CITY MANAGER ITEMS:

CM Minner reminded everyone of the Splash Pad Workshop on Tuesday, December 15th, at 5:30 p.m. and provided the Commissioners two plan options for the meeting.

PUBLIC COMMENTS: None

ROLL CALL:

Commissioner Christian wished everyone a Merry Christmas, be safe and hopefully get everything you asked Santa Clause for. He stated he has been on the Commission for a while and remembers discussion of property on Sunnyside, the Commission voted 3-2 not to do a development, and come to find out they developed in the county on that same property. He stated he is extremely proud of the Commission and thinks, as Commissioner Robuck said, this is a good thing for Leesburg and hopefully in the years to come we will see great production and have developers see our city as a place of prosperity and a place they can come. That is what it is going to take for our city to have families move in and to bring the jobs that will support what we did here tonight. Commissioner Christian stated he is excited about the direction we are going in as a city.

Commissioner Bone wished a Merry Christmas and Happy Holidays to everyone.

Commissioner Hurley also wished everyone Merry Christmas and stated it has been one heck of a year and he is glad to see Christmas. He stated every time we have one of these cases, it is heart wrenching to him because he gets so tired of the personal attacks if you do not see everybody's way. The one thing you do not get braced for when you get on the Commission is every vote, no matter how you vote, will make someone happy and someone mad. At the end of the day though, he feels good because he thinks each

MINUTES OF THE CITY COMMISSION MEETING MONDAY, DECEMBER 14, 2015

Commissioner votes with the conviction about what we think is best for the community and try to make well informed decisions. He appreciates the year we have had, it has been a neat year having the two new Commissioners, it has brought a lot of change, and he thinks it has brought help to the Commission as a whole trying to move forward with some of the things we have accomplished. Commissioner Hurley stated to remember the season and wished all a Merry Christmas, Happy New Year and God Bless.

Commissioner Robuck gave kudos to Mike Thornton, in Purchasing, for sending out an email to construction related fields. They are working on a directory of local businesses, of what scopes they provide, and are going to give it to people doing work for the city or anyone that would come in and ask; here are some local businesses you could do business with; so good job. Commissioner Robuck stated he thinks this is a great idea and maybe something we can expand on for other scopes and maybe the county will take the lead there too, that would be nice, or follow Mike's lead. He also wished Merry Christmas to everyone.

Mayor Dennison stated she is coming to a screeching halt this year as Mayor of Leesburg, but has already spoken to CM Minner regarding Mark Swartz who would like to come in and give us some information or have a sit down meeting with him and Dr. Anna Marie and see how we might be able to use both television stations for announcements, for activities, for whatever. She stated she attended the Wreaths Across America ceremony on Saturday in commemoration of the veterans who are buried in Lone Oak Cemetery. A main wreath was laid for each of the armed forces, including what she was really glad to see, the Coast Guard and the Merchant Marines. They did a great ceremony but the reason she is bringing this up, is the Leesburg High School ROTC was there and we have really got to be proud of those cadets, they were fantastic and what a plus for the City of Leesburg. Also, today she had the opportunity to hear the Madrigals from Leesburg High School sing; a fantastic group. Mayor Dennison said she is proud of the kids that go to school here in Leesburg because they are really coming along and are going to make something of themselves. She thanked all the staff members who helped, who brought together a fantastic Leesburg team that accomplished a lot this year. Mayor Dennison wished everyone a Merry Christmas and a Happy, Healthy, and Safe New Year.

ADJOURN:

The meeting adjourned at 8:04 p.m.

Mayor

ATTEST:

J. Andi Purvis
City Clerk & Recorder



AGENDA MEMORANDUM

Item No: 5.B.1.

Meeting Date: February 22, 2016

From: Patrick Foster, Electric Utility Director

Subject: Resolution authorizing Amendment One to an existing fixed unit price agreement for FR Uniforms.

Staff Recommendation:

Staff recommends approval of the resolution authorizing execution of Amendment One to an existing Agreement with Stuart C. Irby for one additional year. Staff further requests approval of an expenditure not to exceed \$65,000.00 during this fiscal year for the purchase of uniforms off this contract.

Analysis:

National Fire Protection Association (NFPA) Regulation 70E requires employees working on and around electrical equipment to wear arc flash personal protective equipment (PPE). The regulation further requires clothing/uniforms worn by these workers offer arc flash protection. An arc flash is a type of electrical explosion that can occur in electrical equipment and electric utility systems.

Wearing arc flash rated clothing or uniforms reduces the chances of additional worker injuries from the clothing melting or igniting. Temperatures as high as 36,000 degrees have been recorded in arc flashes. The intense heat and light emitted by an arc flash can cause severe burns, destroying skin and tissue. While the wearing of arc flash clothing cannot completely eliminate injuries sustained in an arc flash, it can certainly reduce further injuries by not igniting as a result of an arc flash.

Procurement Analysis:

On February 11, 2013 the Commission approved Resolution 9155 executing a fixed unit price agreement with Stuart C. Irby Company resulting from Invitation to Bid 130231. The contract allows for an extension of up to three additional years with price increases.

Purchasing requests extending the agreement for one (1) additional year with the requested price increases. The price increases are permitted by the contract language and are within the allowed increase limits. The original agreement allowed for an annual price increase equal to the lesser of 5% or the All Urban Consumers Price Index (CPU-U).

Options:

1. Approve the resolution authorizing Amendment One with Stuart C. Irby Company; or
2. Such alternative action as the Commission may deem appropriate

Fiscal Impact:

The Electric Department has budgeted \$65,000 in Fiscal Year 2016 for Uniform Purchases. Funds are available.

Submission Date and Time: 2/18/2016 2:36 PM

Department: <u>Electric Department</u> Prepared by: <u>Mike Thornton</u> Attachments: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Advertised: <input type="checkbox"/> Not Required <input checked="" type="checkbox"/> Dates: _____ Attorney Review : Yes <input type="checkbox"/> No <input type="checkbox"/> _____ Revised 6/10/04	Reviewed by: Dept. Head _____ Finance Dept. _____ Deputy C.M. _____ Submitted by: _____ City Manager _____	Account No. <u>041-1062-531.52-15</u> Project No. <u>415880</u> WF No. _____ Req. No. <u>48048</u> Budget <u>\$65,000.00</u> Available _____
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RESOLUTION NO. _____

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF
LEESBURG, FLORIDA AUTHORIZING THE MAYOR AND CITY
CLERK TO EXECUTE AMENDMENT ONE TO AN EXISTING
AGREEMENT WITH STUART C. IRBY COMPANY FOR FIRE
RETARDANT UNIFORMS; AND PROVIDING AN EFFECTIVE
DATE.

**BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LEESBURG,
FLORIDA:**

THAT the Mayor and City Clerk are hereby authorized to execute Amendment One to an existing agreement with Stuart C. Irby Company whose address is 2300 Principal Row, Suite #103, Orlando, Florida 32837 (email: hettig@irby.com) for providing fire retardant uniforms pursuant to Invitation to Bid #130231.

THAT all future expenditures for goods and services ordered under this agreement are approved provided Commission has appropriated funds in the applicable fiscal year. Should the department fail to budget funds for orders under this agreement or purchases exceed the appropriated funds, Commission approval for expenditures in excess of the appropriated funds shall be required.

THAT this resolution shall become effective immediately.

PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at a regular meeting held the 22nd day of February 2016.

Mayor

ATTEST:

City Clerk

**AMENDMENT ONE
EXTENSION OF AGREEMENT
FIXED UNIT PRICE AGREEMENT**

THIS EXTENSION is made as of the 22nd day of February, 2016, between **THE CITY OF LEESBURG, FLORIDA** a Florida Municipal Corporation, whose address is 501 West Meadow Street, Leesburg, Florida 34749-0630 (hereinafter referred to as the "CITY"), and **STUART C. IRBY COMPANY** whose address is 2300 Principal Row, Suite #103, Orlando, Florida 32837 (hereinafter referred to as the "CONTRACTOR").

WITNESSETH:

THAT, on February 11, 2013 the CITY and CONTRACTOR entered into a Fixed Unit Price Agreement for Fire Retardant (FR) garments/uniforms for use by the City's Electric Utility Department and other City employees requiring FR garments (hereinafter referred to as the "Agreement").

NOW, the parties wish to extend the term of the Agreement and have entered into this Amendment for that purpose.

WHEREAS, Article 4 of the original Agreement provides for extension of the Agreement term upon the mutual written agreement of the parties.

NOW, THEREFORE, in consideration of the mutual benefits accruing to the parties to this Agreement and from other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. **Recitals.** The above recitals are true and correct and are incorporated by reference herein and made a part hereof.
2. **Amendment.** The parties agree to the following revisions:
 - a. Article 4 of the Agreement provides for extension of the Agreement and the parties wish to extend the term of the agreement for one (1) additional year through February 11, 2017, and
 - b. Article 6 of the Agreement provides for a Cost Adjustment to the items following the first year of the Agreement. The parties agree to the revised item unit prices as listed in Attachment "A".
3. **Modification.** Except as specifically modified by this Amendment, all terms and conditions of the prior agreement shall continue in full force and effect as originally executed. Nothing herein shall be deemed or construed to amend or modify any other contract or undertaking between the City and Lessee other than as defined above.
4. **Counterparts.** Original signatures transmitted and received via facsimile or other electronic transmission of a scanned document, (e.g., PDF or similar format) are true and valid signatures for all purposes hereunder and shall bind the parties to the same extent as that of an original signature. Any such facsimile or electronic mail transmission shall

constitute the final agreement of the parties and conclusive proof of such agreement. Any such electronic counterpart shall be of sufficient quality to be legible either electronically or when printed as hardcopy. The CITY shall determine legibility and acceptability for public record purposes. This Agreement may be executed in one or more counterparts, each of which shall for all purposes be deemed to be an original and all of which shall constitute the same instrument.

IN WITNESS WHEREOF, the parties hereto have executed the Amendment to the Agreement on the date stated in the preamble.

THE CITY OF LEESBURG, FLORIDA

STUART C. IRBY CORPORATION

By: _____
Mayor

By: _____

Printed: _____

Attest: _____
City Clerk

Its: _____
(Title)

Approved as to form:

City Attorney

ATTACHMENT “A”

ITEM DESCRIPTION	ORIGINAL BID UNIT COST	AMENDMENT ONE NEW PRICING
DRIFIRE - Tee Shirts (DF2-446TS-DS)	\$26.72	\$29.00
DRIFIRE - Tee Shirts (DF2-446TS-DS) Larger Size	\$34.74	\$37.69
BULWARK - Henley short sleeve t-shirt with pockets (SNL8TN)	\$59.00	Discontinued
BULWARK - Henley short sleeve t-shirt with pockets (SNL8TN) Larger size	\$73.75	Discontinued
BULWARK - Long sleeve Henley (SEL8GY)	\$40.26	\$41.94
BULWARK - Long sleeve Henley (SEL8GY) Larger size	\$50.33	\$50.88
DRIFIRE - Long sleeve button up shirts (DF2-324LS)	\$64.45	\$69.94
DRIFIRE - Long sleeve button up shirts (DF2-324LS) Larger size	\$83.80	\$90.93
DICKIES - Denim Pants (FR488IND14DN)	\$39.36	\$41.91
DICKIES - Denim Pants (FR488IND14DN) Larger size	\$49.20	\$51.55
BULWARK - Zipper front sweatshirt (SEH6NV)	\$87.05	\$113.32
BULWARK - Zipper front sweatshirt (SEH6NV) Larger size	\$108.82	\$136.00
Embroidered Logo - FR thread	\$12.00	\$12.00
One time set-up fee	\$65.00	NA to Extension
Price for initial sizing	No charge	NA to Extension
Screen print logo	\$12.00	\$12.00
One time set-up fee	\$65.00	NA to Extension



AGENDA MEMORANDUM

Item No: 5.C.1.

Meeting Date: February 22, 2016

From: Al Minner, City Manager

Subject: Resolution pertaining to certain rates and charges for outdoor lighting services; amending existing rates for certain categories of pole rental poles and fixtures, for both municipal and private customers.

Staff Recommendation:

Staff recommends adjustment of street light rates as outlined on the attached resolution.

Analysis:

The Lighting Rate Revision Resolution would implement four changes to the lighting rates adopted September 28, 2015 and Effective October 1, 2015.

1. Lower the pole rate for Polysteel 12' (flat code P12) on both the Municipal and Rental Schedules (Schedules 3 and 4 respectively).
2. Correct a clerical error in the presentation of the lighting rates shown on lines 6 – 9 of Schedules 1 and 2.
3. Adjust the energy component of the lighting rates shown on lines 12 and 13 of Schedules 1 and 2.
4. Add a new LED lighting rate on line 27 of Schedules 1 and 2.

Options:

1. Adopt the Resolution accepting the rates and charges as presented; or;
2. Such alternative action as the Commission may deem appropriate

Fiscal Impact:

Item 1:

After discussing the concerns of customers affected by the significant increase in the rates for the Polysteel 12' pole, Item 1 was adjusted to reflect a historical cost more reflective of the embedded cost. This adjustment is estimated to reduce the projected annual revenues from pole rentals by \$30,255 per year compared to the rates put into effect October 1, 2015 (\$23,717 municipal and \$6,538 rental). However, these adjusted rates still represent an increase in annual revenues of \$5,241 for this pole compared to the rates in effect prior to October 1, 2015.

Item 2:

This correction has a projected annual revenue increase of \$401 and is all municipal.

Item 3:

This adjustment has a projected annual revenue increase of \$244 and is all rental.

Item 4:

This is a new rate and has no annual revenue impact compared to an existing rate. This new rate reflects the accurate revenue requirement for a new LED fixture being evaluated by the Electric Department. New rate offerings need to be added periodically to meet the needs of our customers.

Submission Date and Time: 2/18/2016 2:36 PM

Department: <u>Electric</u> Prepared by: <u>Patrick M. Foster</u> Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Advertised: <input type="checkbox"/> Not Required <input checked="" type="checkbox"/> Dates: _____ Attorney Review : Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> _____ Revised 6/10/04	Reviewed by: Dept. Head <u>Patrick M. Foster, P.E.</u> _____ Finance Dept. _____ Deputy C.M. _____ Submitted by: _____ City Manager _____	Account No. <u>041-0000-343-xx40</u> Project No. _____ WF No. _____ Budget _____ Available _____
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RESOLUTION NO. _____

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF
LEESBURG, FLORIDA PERTAINING TO CERTAIN RATES
AND CHARGES FOR OUTDOOR LIGHTING SERVICES;
AMENDING EXISTING RATES FOR CERTAIN CATEGORIES
OF POLE RENTAL POLES AND FIXTURES, FOR BOTH
MUNICIPAL AND PRIVATE CUSTOMERS; AND PROVIDING
AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF
LEESBURG, FLORIDA:

SECTION I.

This Resolution modifies certain portions of the rate schedules of the City of Leesburg for outdoor lighting, pursuant to the authority granted in §22 – 196 of the Leesburg Code of Ordinances.

SECTION II.

Effective March 1, 2016, the rates charged for outdoor lighting services, for municipal lighting and for rental of poles and fixtures for private customers, shall be modified for the following categories only, without affecting any of the other outdoor lighting rates in effect on the date of adoption of this Resolution:

CITY OF LEESBURG, FLORIDA
Fixture Cost, Energy Cost, BPCA and Pole Rates - Revision

Line	Light Fixture Type	kWh	CS Flat Code	Energy Rate	CS Flat Code	BPCA Rate	CS Flat Code	Fixture Rate
Schedule 1 - Municipal								
6	100 Watt Granville	47	10E	3.07	10B	0.56	10G	14.66
7	100 Watt Antique "L" Series	47	10E	3.07	10B	0.56	10L	14.66
8	100 Watt Monticello	47	10E	3.07	10B	0.56	10M	12.92
9	100 Watt Flagler	47	10E	3.07	10B	0.56	10F	12.79
12	175 Watt Sanibel	68	175E	4.44	175B	0.82	175S	15.78
13	175 Watt Park Avenue	68	175E	4.44	175B	0.82	175P	15.78
27	150 Watt LED	55	15E	3.59	15B	0.66	15R	35.40
Schedule 2 - Rental								
6	100 Watt Granville	47	10E	3.07	10B	0.56	10G	16.57
7	100 Watt Antique "L" Series	47	10E	3.07	10B	0.56	10L	16.57
8	100 Watt Monticello	47	10E	3.07	10B	0.56	10M	14.57
9	100 Watt Flagler	47	10E	3.07	10B	0.56	10F	14.42

12	175 Watt Sanibel	68	175E	4.44	175B	0.82	175S	17.82
13	175 Watt Park Avenue	68	175E	4.44	175B	0.82	175P	17.82
27	150 Watt LED	55	15E	3.59	15B	0.66	15R	40.76

Line	Pole Description	CS Flat Code	Pole Rate
Schedule 3 - Municipal			
19	Polysteel, 12' (Wash. Palmora Park)	P12	7.98
Schedule 4 - Rental			
19	Polysteel, 12' (Wash. Palmora Park)	P12	9.35

SECTION III.

Except as specifically modified by Section II of this Resolution, the rates in effect immediately prior to adoption of this Resolution shall remain in effect until otherwise modified. This Resolution changes only those rates shown in Section II.

SECTION IV.

This Resolution shall take effect March 1, 2016, which is referred to herein as the "Effective Date."

PASSED AND ADOPTED at the regular meeting of the City Commission held on the 22nd day of February, 2016.

THE CITY OF LEESBURG, FLORIDA

BY: _____
JAY HURLEY, Mayor

Attest: _____
J. ANDI PURVIS, City Clerk



AGENDA MEMORANDUM

Item No: 5.C.2.

Meeting Date: February 22, 2016

From: Al Minner, City Manager

Subject: Revised Rate Schedule SS-1 for Standby Electric Services

Staff Recommendation:

Staff recommends approval of the revised Rate Schedule SS-1 for Electric Service and nullify the existing rate schedule. Please note that the report "Proposed Standby Service (SS-1) Rates" from Utility Consulting Services, Doug Handley, is attached hereto as a reference.

Analysis:

On November 9, 2015, the City of Leesburg and Cutrale Juices USA, Inc. entered into a settlement agreement. During the same City Commission meeting, the SS-1 rate schedule was changed to reflect many of the changes agreed upon by both parties and incorporated in the agreement.

During the negotiations, Cutrale was informed by the City that a rate study was underway and that the rates contained in the SS-1 Rate Schedule would be subject to change based on the results of the study. Several of the rates contained in the SS-1 rate schedule have not been changed in many years.

No wording changes to the SS-1 Rate Schedule are being proposed, only changes to the numeric value of generation and bulk transmission capacity charge in section 3. (b) (1) and (2). The rate in (1) is being changed from (\$0.92) to (\$2.98) and the rate in (2) is being changed from (\$0.44) to (\$0.66).

Please see the attached "Proposed Standby Service (SS-1) Rates" study by Utility Consulting Services for a more detailed analysis.

Options:

1. Approve the revised Rate Schedule SS-1 as presented, or;
2. Such alternative action as the Commission may deem appropriate

Fiscal Impact:

Based on Table 3 in the study which looks at an annual period for FY 15, the change to these two rates will result in (\$3,177) or 0.42% reduction in the SS-1 portion of the Cutrale Juices USA, Inc. billings.

Submission Date and Time: 2/18/2016 2:36 PM

Department: <u>Electric</u> Prepared by: <u>Patrick Foster</u> Attachments: Yes <u>X</u> No _____ Advertised: _____ Not Required <u>X</u> Dates: _____ Attorney Review : Yes <u>X</u> No _____ _____ Revised 6/10/04	Reviewed by: Dept. Head <u>Patrick M. Foster, P.E.</u> Finance Dept. _____ Deputy C.M. _____ Submitted by: _____ City Manager _____	Account No. _____ Project No. _____ WF No. _____ Budget _____ Available _____
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RESOLUTION NO. _____

**RESOLUTION OF THE CITY COMMISSION OF THE CITY OF
LEESBURG, FLORIDA ENACTING A REVISED RATE
SCHEDULE SS-1 (STANDBY SERVICE ELECTRIC RATE
SCHEDULE); NULLIFYING ANY PREVIOUS RATE SCHEDULE
SS-1; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City of Leesburg, Florida, provides electrical utility services to residential and commercial customers, and

WHEREAS, the City Code provides that electrical rates may be revised by Resolution, and

WHEREAS, the City Commission wishes to revise that portion of its electrical rate structure known as SS-1, Standby Service Electric Rate Schedule,

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF
THE CITY OF LEESBURG, FLORIDA:**

SECTION I.

The existing Rate Schedule SS-1, standby service, is nullified, and shall be replaced by the following:

Standby service electric rate schedule SS-1. The City of Leesburg (the "city") shall charge and collect for electric standby service on the bases of availability, application, character of service, monthly rate, definitions, determination of supplemental service provided, definition of standby service provided, determination of specified standby capacity, rates as specified below, and special provisions listed below.

a. Availability: This schedule is available throughout the entire territory served by the City of Leesburg.

b. Application: This schedule (i) is applicable to customers whose electric requirements are normally supplied all or in part from on-site generating facilities and where the customer enters into the appropriate agreements with the city, and (ii) is required of any customer having on-site generation greater than one hundred (100) kW which supplies at least twenty (20) percent of his total electrical city's electric system.

c. Character of service: Service under this schedule shall be single-phase or three-phase, sixty (60) Hertz, alternating current at standard available voltage. Resale service is not permitted under this rate schedule.

d. Definitions:

"Standby electric service" shall mean electric energy or capacity supplied by the city to replace energy or capacity normally generated by a customer's own generation equipment.

"Supplemental service" shall mean electric energy or capacity supplied by the city in addition to energy and capacity which is normally provided by the customer's own generation equipment.

"Normal Generation" shall mean the generation level equaled or exceeded by the customer's generation equipment 10% of the metered intervals during the previous twelve billing months.

"Maximum Generation" shall mean the highest measured 30-minute interval kW output of the customer's generation equipment for the relevant billing period.

"Metered Demand" shall mean the measured 30-minute interval kW of city-supplied power.

"Site Load" shall mean the electric energy or capacity supplied by the city plus the energy or capacity provided by the customer's own generation equipment.

"Otherwise applicable rate schedule" refers to the existing rate schedule under which the customer would have received service if the customer had no self-generation.

e. Determination of supplemental service provided: A determination of the customer's supplemental power use shall be made for each thirty-minute time interval of the billing period. The supplemental power provided shall be the amount of Metered Demand less the amount of Standby Power in kW, as determined in "Determination of Standby Service Provided." The supplemental power provided shall be zero (0) for each thirty-minute time interval when the Site Load is less than Normal Generation.

f. Determination of standby service provided: A determination of the customer's "Standby Power" use shall be made for each thirty-minute time interval of the billing period. Standby Power in kW shall equal:

- (a) The lesser of Site Load or Normal Generation, minus
- (b) The output in kW of the customer's generation equipment.

In no event shall Standby Power amount be less than zero.

g. Determination of specified standby capacity:

1. The customer and the city shall mutually agree upon a maximum amount of standby capacity in kW to be supplied by the city. This shall be termed for billing purposes as the "Contract Standby Capacity."

2. The specified standby capacity for the current billing period shall be the greater of: (1) the Contract Standby Capacity, (2) the standby capacity established in the current billing month, or (3) the standby capacity established in any of the twenty-three (23) preceding billing months.

3. When a bona fide change in the customer's standby capacity requirement occurs, the city and the customer shall establish a new Contract Standby Capacity.

h. Monthly rate: The total charge will be the sum of amounts calculated in items captioned 1., 2. and 3. hereinafter and, if applicable, as provided for under the caption "special provisions."

1. Customer charge: Two hundred dollars (\$200.00).

2. Supplemental service charges: All supplemental power requirements shall be billed in accordance with the charges for service of the otherwise applicable rate schedule: GSD-1, GSD-2 or GSD-3.

3. Standby service charges will be the sum of amounts calculated as follows:

(a) Local transmission and distribution capacity charge: Three dollars sixty-five cents (\$3.65) per kW times the specified standby capacity adjusted for power factor and delivery voltage discounts, if applicable. Also, as set forth in the special provisions, where the customer agrees to directly pay the city for the cost of dedicated local facilities, this generic local transmission and distribution capacity charge may be adjusted by provision in the applicable interconnection agreement on a case-by-case basis to reflect the appropriate cost of service.

(b) Generation and bulk transmission capacity charge: The generation and bulk transmission capacity charge shall be the greater of:

(1) Two dollars and ninety-eight cents (\$2.98) per kW times the specified standby capacity; or

(2) Sixty-six cents (\$0.66) times the sum of the daily maximum amounts of Standby Power occurring during on-peak periods for the billing period.

(c) Energy charge: For energy supplied by the city during the billing period to the point of interconnection, the energy charge shall be based on the incremental cost of energy delivered to the city, adjusted for losses and the general fund transfer, as determined by the city.

(d) Rating periods:

(1) On-peak periods: The designated on-peak periods expressed in terms of prevailing clock time shall be as follows:

a. For the calendar months of November through March: Monday through Friday* 6:00 a.m. to 10:00 a.m., and 6:00 p.m. to 10:00 p.m.

b. For the calendar months of April through October: Monday through Friday 12:00 Noon to 9:00 p.m.

*The following general holidays shall be excluded from the on-peak periods: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas. In the event the holiday occurs on a Saturday or Sunday, the adjacent weekday shall be excluded from the on-peak period.

(2) Off-peak periods: The designated off-peak periods shall be all hours other than the designated on-peak hours set forth above.

(e) Delivery voltage discount: The following discount for delivery at the specified voltages shall be applied only to the charges for "local transmission and distribution capacity" except in the case where the distribution capacity charge is established on a case-by-case basis:

Primary service – For service provided and metered at 12,470/7,200 volts where the city has such service available in the immediate area of the load and where the customer owns the necessary transformation equipment, the foregoing local transmission and distribution capacity charges shall be subject to a discount of eighty cents (\$0.80) per kw of specified standby capacity.

(f) Power factor adjustment: When the power factor is less than ninety (90) percent, the billing demand may be determined upon the basis of ninety (90) percent of the calculated kVA demand.

(g) Tax adjustment: The amount computed at the above monthly rate shall be subject to taxes, assessments, and surcharges imposed by any governmental authority, these charges being assessed on the basis of meters or customers or the price of or revenues from electric energy or service sold or volume of energy generated or purchased for sale or sold.

i. Special provisions:

1. The city will make reasonable provisions to ensure satisfactory and continuous service, but does not guarantee a continuous supply of electrical energy and shall not be liable for damage occasioned by interruptions of service or failure to commence delivery caused by an act of God, or the public enemy, or for any cause reasonably beyond its control, including, but not limited to, the failure or breakdown of generating or transmitting facilities, floods, fire, strikes, or action or order of any agency having jurisdiction on the premises, or for interruptions which are necessary for inspection, repair, or changes in the generating equipment or transmission and distribution system of the city.
2. The customer shall notify the city immediately of any defects, trouble or accident which may in any way affect the delivery of power by the city to the customer.
3. The city will, under the provisions of this rate, require the customer to enter into a contract with the city setting forth specific terms and conditions of implementing this and other rate schedules. Whenever the customer increases his electrical load, which increase requires the city to increase facilities installed for the specific use of the customer, a new term of service may be required.
4. Customers taking service under this rate schedule who desire to transfer to firm full requirements service will be required to give the city written notice at least sixty (60) months prior to such transfer.
5. The city will furnish service under this rate schedule at a single voltage. Equipment to supply additional voltages or additional facilities for the use of the customer shall be furnished and maintained by the customer. The customer may request the city to furnish such additional equipment and the city, at its sole option, may furnish, install and maintain such additional equipment, and will charge the customer for the use thereof.
6. The customer shall allow the city to install time recording metering on the electrical output of all customer-owned generation equipment. The metering location(s) must be accessible to city personnel for testing, inspection, maintenance, and retrieval of recording generation output data. The customer shall reimburse the amount per month to be determined by the city for operation and maintenance of the equipment by the city.
7. Metering of customer generation shall not be required for customers whose requirements from the city are either totally standby or totally supplemental.
8. In the event the customer does not provide generation output information to the city within ten (10) days of the end of the billing period, the city shall

render a bill based on all city-supplied power being supplemental service. If the customer provides generation output information for the current billing period prior to the end of the next billing period, the city shall issue a revised bill and assess the customer an additional two hundred dollar (\$200.00) charge.

9. The customer should maintain accurate generation performance records available for review by the city for verifying generation information utilized in the billing procedure. The customer shall cooperate with the city in providing additional information the city deems necessary to validate appropriate billing determinants.

10. If the actual maximum thirty-minute standby power supplied by the city exceeds the specified standby capacity, the customer shall be billed on the excess amount for previous billings rendered up to twelve (12) months under the rate schedule for (a) local transmission and distribution capacity, (b) generation capacity, and (c) bulk transmission capacity at a rate of one hundred twenty-five (125) percent of the corresponding standby service charges.

11. To the extent that the customer agrees to pay the city directly for the cost of dedicated local facilities, the generic local transmission and distribution capacity charge set forth herein above may be adjusted on a case-by-case basis to reflect the appropriate cost of service.

SECTION II.

If any portion of this Resolution is declared invalid or unenforceable, and to the extent that it is possible to do so without destroying the overall intent and effect of this Resolution, the portion deemed invalid or unenforceable shall be severed herefrom and the remainder of the Resolution shall continue in full force and effect as if it were enacted without including the portion found to be invalid or unenforceable.

SECTION III.

This Resolution shall become effective upon its passage and adoption according to law.

PASSED AND ADOPTED at the regular meeting of the City Commission of the City of Leesburg, Florida, held on the 22nd day of February, 2016.

THE CITY OF LEESBURG, FLORIDA

BY: _____
JAY HURLEY, Mayor

Attest: _____
J. ANDI PURVIS, City Clerk

Doug Handley
Utility Consulting Services
489 Mercers Fernery Road
Deland, Florida 32720

February 5, 2016

Mr. Patrick Foster
Director, Electric Department
City of Leesburg
2010 Griffin Road
Leesburg, FL 34748

Subject: **Proposed Standby Service (SS-1) Rates**

Dear Patrick:

The City has recently held discussions with its largest electricity customer, Cutrale Citrus Juices USA, Inc. ("Cutrale") to correct historical billing errors and clarify billing procedures going forward. The City also engaged Utility Consulting Services (the "Consultant") to perform an electric rate study, which resulted in several adjustments to the rates as of October 2015. As a follow-up to these two activities, the City has engaged the Consultant to propose adjustments to the rate schedule "SS-1" for Standby Service, which has not been adjusted in over 20 years, to reflect the cost to provide the service and the new billing procedures agreed upon with Cutrale, the sole SS-1 customer.

The existing SS-1 rates include the following components:

- Monthly customer charge
- Energy charge
- Local transmission and distribution ("T&D") capacity charge
- Bulk transmission and generation capacity charge, which consists of the greater of:
 - The capacity reservation charge; or
 - The actual standby usage charge.

The proposed adjustments to the SS-1 described herein retain these billing components but adjust the rate levels to reflect the cost of the service provided or to reflect an amount agreed with Cutrale.

The following is a brief discussion of the proposed changes to each of the billing components set forth above. The first three components are fairly simple and require little discussion, while the bulk transmission and generation charge requires considerable explanation, as discussed below.

Customer Charge

The customer charge is a flat monthly rate to recover certain costs that do not vary with the amount of service taken, such as costs related to billing, accounting and customer service. The existing customer charge is \$42.00 per month. The proposed customer charge of \$200.00 per month more closely reflects the current costs associated with this rate including manually preparing each monthly bill due to the complexity.

Energy Charge

The energy charge component of the SS-1 rate is intended to be a “pass-through” of the cost incurred by the City on behalf of the customer for this billing component. The existing methodology to develop the monthly energy charge reflects the then current incremental cost of wholesale energy purchases. Therefore, each month’s energy charge reflects the most recent energy rate for purchases from Florida Municipal Power Agency (“FMPA”), the City’s wholesale power provider, adjusted for losses. The proposed energy charge herein includes the same procedure but includes a further adjustment to include the revenue margin collected from electricity sales and transferred to the City’s general fund. Since this is a cost attached to all electric revenues, the SS-1 energy charge must be adjusted to collect the transfer component or else the electric fund would incur a loss on all SS-1 energy sales, which would have to be subsidized by all other electric customers.

Local T&D Charge

The local T&D charge is intended to recover costs associated with infrastructure required to connect the customer to the City’s local grid. The existing rate in the SS-1 tariff is \$3.65 per kW times the specified standby capacity. However, the City has agreed to charge Cutrale only 6.96% of this generic local T&D rate. Therefore, the proposed local T&D charge retains the generic rate of \$3.65 per kW but billings to Cutrale will be at 6.96% of this rate, or \$0.254 per kW, per this agreement. Rather than attempt to cost-justify this agreed-upon percentage (or the generic T&D rate), the net rate is deemed to include recovery of all relevant costs, including the general fund transfer, for purposes of this analysis.

Bulk Transmission and Generation Charge

The bulk transmission and generation charge consists of two components – a capacity reservation charge and a standby usage charge – whichever is greatest. The capacity reservation charge recognizes that the utility has capacity “standing by” in the event of an outage of the customer’s generation and this charge is intended to recover the costs associated with this reserve capacity. During an actual outage of the customer’s generation, this reserve capacity is used to replace the lost output. The standby usage charge is intended to pass on the costs associated with “backing up” the customer’s generation, allowing the customer to avoid demand charges that might otherwise be incurred due to the increased requirements for electric service during an outage.

The existing rates for the bulk transmission and generation charge components (the greater of A or B) are as follows:

- A. Capacity reservation charge: \$0.92 per kW times the specified standby capacity in kW.
- B. Actual standby usage: \$0.44 per kW times the sum of the daily maximum amounts of standby power received during the on-peak periods of the billing month in kW.

The proposed bulk transmission and generation charge retains this billing structure but the rates per kW are adjusted. To calculate the proposed rates, certain actual costs have been analyzed for the fiscal year ended September 2015. Specifically, the following formulas are used to calculate the two charge rates using the formula components described further below:

- A. Capacity reservation charge rate per kW = $[(G \times R + T)/(1 - L)] \times C_b \times (1 + F)$
- B. Standby usage charge rate per kW = $\{[(G + T)/D]/(1 - L)\} \times C_n \times (1 + F)$

Where,

G = \$21.04 = the average monthly rate for generation capacity paid to FMPA, as calculated on Table 1.

T = \$2.56 = the average monthly rate for transmission capacity paid to FMPA, as calculated on Table 1.

L = 5.95% = the average loss factor, as calculated on Table 1.

D = 21.25 = the average number of peak days per month (Monday through Friday, excluding holidays), as calculated on Table 1.

R = 15% = the generation capacity reserve margin.

F = 9.84% = the margin on electric sales revenue transferred to the City's general fund.

C_b = 44.14% = the average billing demand coincidence factor, as calculated on Table 2.

C_n = 50.34% = the average noncoincident peak (NCP) coincidence factor, as calculated on Table 2.

The proposed rates for the bulk transmission and generation charge components (the greater of A or B), calculated based on the formulas and values set forth above, are as follows:

- Capacity reservation charge: \$2.98 per kW.
- Actual standby usage: \$0.66 per kW.

The calculations are explained further in the following sections.

Capacity Reservation Charge

The capacity reservation charge formula above combines the incremental cost of bulk transmission capacity (T) with the incremental cost of generation capacity reserves (G x R). The logic for this part of the formula is as follows: The customer has generating capacity but no reserve capacity to ensure service during an outage – this is

the standby service provided by the City. The customer also has no bulk transmission capacity to deliver the standby service. These two incremental wholesale cost components – (G x R) and (T) – are combined and adjusted for losses (L) to reflect the cost at the point of delivery to the customer.

This incremental capacity cost component of the capacity reservation charge formula as described above is adjusted by the average billing demand coincidence factor (Cb) to recognize the customer's actual contribution to additional capacity costs for the City. Under the SS-1 rate billing methodology, the capacity reservation charge is calculated by applying the rate per kW times the specified standby capacity. However, the City only incurs additional wholesale capacity costs to the extent of the customer's "coincident peak (CP) demand" – the standby service usage that contributes to the City's total demand at the time of the FMPA monthly system peaks. The billing demand coincidence factor (Cb) is the relationship between the customer's actual standby demands at the time of the monthly CP demands as a percentage of the customer's billing demand. In other words, this adjustment is necessary to reflect the incremental cost, as demonstrated by the following equivalent expressions:

$$\begin{aligned} &\text{Incremental cost of capacity} \\ &= \text{Incremental cost rate} \times \text{CP demand} \\ &= \text{Incremental cost rate} \times \text{Billing demand} \times \text{Coincidence factor (Cb)} \end{aligned}$$

The resulting incremental cost rate is further adjusted by the revenue margin factor (F) to reflect the portion of all electricity sales revenue transferred to the City's general fund. As discussed above in connection with the proposed energy charge, this is a cost attached to all electric revenues. Therefore, each SS-1 charge must be adjusted to collect the transfer component or else the electric fund would incur a loss on all SS-1 sales, which would have to be subsidized by all other electric customers.

Standby Usage Charge

The standby usage charge formula above is very similar to the capacity reservation charge formula, with the following differences:

- In the capacity reservation charge formula, the generation capacity cost is reduced to only the reserve margin (R) component. In the standby usage charge formula, the combination of generation and transmission costs (G and T) is divided by the number of on-peak days to get a daily rate.
- The generation capacity and standby usage formulas use slightly different coincidence factors, (Cb) and (Cn), respectively.

The standby usage charge component is a daily capacity rate – the rate is applied to the maximum standby usage during each on-peak day of the billing month. The daily billing amounts (rate times usage) are summed up to get the monthly billing amount, which is compared to the capacity reservation charge component for billing purposes. The on-peak days consist of weekdays, excluding holidays, and averaged 21.25 days per month for the fiscal year ended September 2015, as shown on Table 1. This recognizes that the customer's generation may experience brief or extended outages. Brief outages – a few hours to a few days – may not result in any higher generation and bulk

transmission charges if the standby usage charge does not exceed the capacity reservation charge. Extended (or numerous brief) outages over several on-peak days would likely incur the standby usage charge in lieu of the capacity reservation charge.

Since the standby usage charge is based on the customer's maximum usage amounts, these demands are generally considered non-coincident peak (NCP) demands. However, the City only incurs additional wholesale capacity costs to the extent of the customer's CP demand, as discussed above. The NCP demand coincidence factor (Cn) is the relationship between the customer's actual standby demands at the time of the monthly CP demands as a percentage of the customer's maximum actual standby usage, or NCP, demands.

Comparison of Existing and Proposed SS-1 Rates

Table 3 provides a comparison of the existing and proposed rates and pro forma bill amounts for the fiscal year ended September 2015. The comparison presents monthly amounts because the energy charge varies monthly. For comparison purposes, the existing rates include the T&D charge component at the generic rate of \$3.65 per kW because that is the amount that was charged during the period shown. The proposed rates include the T&D charge at the agreed-upon percentage of the generic rate. Although the results vary significantly from month to month, as shown on Table 3, the annual bill impact is a slight reduction of \$3,177, or 0.4%.

Recommendations

City staff should review this draft report to confirm the accuracy of data provided and appropriateness of the methodologies and assumptions employed. Upon review, and revision as necessary, this draft report will be issued as a final report.

The proposed rate adjustments for Rate SS-1 are recommended to the City for adoption. Furthermore, it is recommended that the Rate SS-1 charge components be updated annually as follows:

- Customer Charge – apply an annual inflation adjustment
- Energy Charge – revise the transfer percentage as necessary
- Local T&D Charge – no changes
- Bulk Transmission and Generation Charge – update all formula components for latest fiscal year data

Please let me know if you have any questions.

Sincerely,


Doug Handley
Utility Consulting Services

CITY OF LEESBURG, FLORIDA
Electric Standby Service -- Rate SS-1

Table 1

Month		FMPA Billing Rates		Loss	Peak
		Generation	Transmission	Factor	Days
October	2014	19.62	2.67	5.7%	22
November	2014	19.47	2.48	5.4%	23
December	2014	18.91	2.54	5.9%	19
January	2015	20.99	2.55	6.4%	21
February	2015	22.09	2.55	5.6%	22
March	2015	22.86	2.56	7.0%	20
April	2015	21.38	2.53	7.2%	22
May	2015	22.26	2.54	6.0%	22
June	2015	22.45	2.54	6.3%	20
July	2015	21.69	2.39	6.2%	21
August	2015	20.70	2.74	5.0%	23
September	2015	20.04	2.66	4.7%	20
AVERAGE		21.04	2.56	5.9%	21.25

CITY OF LEESBURG, FLORIDA
Electric Standby Service -- Rate SS-1

Table 2

FMPS System Peak				Cutrale SS-1 Demand		
Month		Day	Time	CP	NCP*	Billing kW
October	2014	3	16.00	388	4,024	4,300
November	2014	20	8.00	823	4,100	4,300
December	2014	11	8.00	3,357	4,080	4,300
January	2015	8	9.00	4,011	4,080	4,300
February	2015	20	8.00	4,040	3,920	4,300
March	2015	17	17.00	3,872	4,040	4,300
April	2015	10	17.00	972	3,872	4,300
May	2015	21	17.00	556	3,856	4,300
June	2015	22	16.00	240	3,830	4,300
July	2015	10	16.00	460	1,704	4,300
August	2015	25	17.00	3,860	3,872	4,300
September	2015	11	17.00	196	3,860	4,300
				22,775	45,238	51,600
Coincidence Factor					50.3%	44.1%

(*) Billing months for SS-1 do not correspond to calendar months.

CITY OF LEESBURG, FLORIDA
Electric Standby Service -- Rate SS-1

Table 3

	<u>October</u>	<u>November</u>	<u>December</u>	<u>January</u>	<u>February</u>	<u>March</u>	<u>April</u>	<u>May</u>	<u>June</u>	<u>July</u>	<u>August</u>	<u>September</u>	<u>TOTAL or AVERAGE</u>
Existing Rates													
Customer charge	\$ 42.00	\$ 42.00	\$ 42.00	\$ 42.00	\$ 42.00	\$ 42.00	\$ 42.00	\$ 42.00	\$ 42.00	\$ 42.00	\$ 42.00	\$ 42.00	\$ 42.00
Energy	0.021069	0.019753	0.023040	0.029869	0.025043	0.023863	0.023641	0.023308	0.027399	0.030159	0.025969	0.023086	0.024683
T&D	3.65	3.65	3.65	3.65	3.65	3.65	3.65	3.65	3.65	3.65	3.65	3.65	3.65
Capacity	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Usage	0.44	0.44	0.44	0.44	0.44	0.44	0.44	0.44	0.44	0.44	0.44	0.44	0.44
Proposed Rates													
Customer charge	\$ 200.00	\$ 200.00	\$ 200.00	\$ 200.00	\$ 200.00	\$ 200.00	\$ 200.00	\$ 200.00	\$ 200.00	\$ 200.00	\$ 200.00	\$ 200.00	\$ 200.00
Energy	0.023142	0.021696	0.025307	0.032808	0.027507	0.026211	0.025967	0.025601	0.030095	0.033127	0.028524	0.025358	0.027112
T&D	0.254	0.254	0.254	0.254	0.254	0.254	0.254	0.254	0.254	0.254	0.254	0.254	0.254
Capacity	2.98	2.98	2.98	2.98	2.98	2.98	2.98	2.98	2.98	2.98	2.98	2.98	2.98
Usage	0.66	0.66	0.66	0.66	0.66	0.66	0.66	0.66	0.66	0.66	0.66	0.66	0.66
Billing Units - Standby Service													
Energy	418,336	555,335	2,018,221	2,928,994	2,881,437	2,529,191	1,861,556	293,511	217,787	150,679	190,268	715,061	14,760,377
Capacity	4,300	4,300	4,300	4,300	4,300	4,300	4,300	4,300	4,300	4,300	4,300	4,300	51,600
Usage	10,973	16,869	57,091	85,680	86,240	80,642	60,152	8,078	10,837	6,840	5,496	21,934	450,832
Bill Amounts													
Proposed Rates	23,772	26,139	90,012	153,882	137,416	120,759	89,293	21,605	20,645	19,082	19,518	33,888	756,010
Existing Rates	29,379	34,129	87,357	140,922	125,841	111,574	86,212	26,534	26,472	24,237	24,634	41,896	759,187
Increase/(Decrease)	(5,607)	(7,989)	2,655	12,960	11,575	9,185	3,082	(4,929)	(5,827)	(5,155)	(5,116)	(8,008)	(3,177)
% Increase/Decrease	-19.1%	-23.4%	3.0%	9.2%	9.2%	8.2%	3.6%	-18.6%	-22.0%	-21.3%	-20.8%	-19.1%	-0.4%



AGENDA MEMORANDUM

Item No: 5.C.3.

Meeting Date: February 22, 2016

From: Patrick M. Foster, PE, Electric Director

Subject: Resolution of the City Commission of the City of Leesburg, Florida approving a personnel job classification, pay grade, and job description of Assistant Electric Service Planner.

Staff Recommendation:

Staff recommends approval of a position, pay grade, and job classification for Assistant Electric Service Planner within the Electric Department.

Analysis:

The Electric Service Planning Department has four (4) approved positions. They are the Electric Service Planning Supervisor, two (2) Electric Service Planners, and an Electric Technician II.

One of the Electric Service Planners retired on January 29, 2016 and the other is scheduled to retire December 31, 2016. These Electric Service Planners have/had been in their current positions for many years and therefore there have been no new trainees over this period of time.

The recent and upcoming retirements require that the "Assistant Electric Service Planner" job classification, pay grade, and job description be approved by the City Commission at this time so that the positions can be filled at the proper level.

The existing Electric Service Planner pay grade is 131 (\$44,574 Min to \$70,761 Max) and the proposed Assistant Electric Service Planner pay grade is 128 (\$39,644 Min to \$62,961 Max).

The job description for the proposed Assistant Electric Service Planner is attached.

Options:

1. Approve the Assistant Electric Service Planner job classification, pay grade and job description;
2. Such alternative action as the Commission may deem appropriate

Fiscal Impact:

The proposal would decrease the FY16 electric budget by a total of \$2,465 plus benefits. FY17 savings will be \$9,860.00 plus benefits.

Submission Date and Time: 2/18/2016 2:36 PM

Department: <u>Electric</u> Prepared by: <u>Patrick Foster</u> Attachments: Yes <input type="checkbox"/> No <input type="checkbox"/> Advertised: <input type="checkbox"/> Not Required <input checked="" type="checkbox"/> Dates: _____ Attorney Review : Yes <input type="checkbox"/> No <input type="checkbox"/> _____ Revised 6/10/04	Reviewed by: Dept. Head <u>Patrick Foster</u> Finance Dept. _____ Deputy C.M. _____ Submitted by: _____ City Manager _____	Account No. <u>041-1062-531-xxxx</u> Project No. <u>415800</u> WF No. _____ Budget _____ Available _____
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RESOLUTION NO. _____

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF
LEESBURG, FLORIDA APPROVING A PERSONNEL JOB
CLASSIFICATION, PAY GRADE, AND JOB DESCRIPTION FOR
ASSISTANT ELECTRIC SERVICE PLANNER; AND PROVIDING
AN EFFECTIVE DATE.

**BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LEESBURG,
FLORIDA:**

THAT the Mayor and City Clerk are hereby authorized to execute a proposal which
adds the Assistant Electric Service Planner job classification, pay grade, and job description.

THAT this resolution shall become effective immediately.

PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at a
regular meeting held the 22nd day of February, 2016.

Mayor

ATTEST:

City Clerk



Electric Department Assistant Electric Service Planner

Pay Grade: 128
Hourly Min. \$19.06
Annual Min. \$39,644

Hourly Max. \$30.27
Annual Max. \$62,961

City of Leesburg
Revision Date: Proposed

MINIMUM REQUIREMENTS:

This position requires the possession of a high school diploma, or an equivalent recognized certificate, and two (2) years of electric utility experience or computer drafting experience, or the possession of an associate's degree in math, science, engineering technology or electric distribution technology.

This position requires the ability to complete an approved staking certification program within two (2) years of date of hire.

Knowledge of Windows Operating System, Microsoft Word, Excel, Access, ARC GIS, Autocad and Outlook preferred.

This position requires the ability to learn all of the City of Leesburg's overhead and underground construction standards, feeders and system maps, system parameters, electric material and equipment, the Naviline work order system, ESRI ARC GIS and Designer applications, Autocad, National Electric Safety Code, municipal electric ordinances.

Must have general knowledge of the theories, principles, practices and techniques of electrical distribution design; the ability to design and oversee the construction of electrical utility systems; ability to establish and maintain effective working relationships with co-workers and the public.

This position requires ability to use algebra working with such factors as exponents, logarithms, linear and quadratic equations, analytic geometry, trigonometry, differentiation and integration of algebraic functions, and statistics.

Must be available for call back for electrical emergencies.

LICENSE/CERTIFICATES:

Special Certifications and Licenses refer to state, federal, or professional certifications or licenses.

Must possess a valid Florida driver's license.

SELECTION FACTORS

Nature of Work:

The Assistant Electric Service Planner is the entry level class in this technical support series and performs the more routine drafting, calculation, and technical support work. Incumbents in this class may be advanced to the Electric Service Planner classification upon meeting all of the requirements of that classification and demonstrating continuing improvement and efficiency in performing the essential duties with minimal assistance; completion of two years of Electric Service Planner experience and upon the recommendation of the Director of Electric.

Performs professional level work requiring the application of distribution engineering methods in the solution of technical problems; applies an understanding of operating policies and procedures to solve complex problems and coordinates sub-professional work in these disciplines; requires continuous, close attention for accurate results and frequent exposure to unusual pressures.

Makes decisions as a significant part of the job, affecting a large segment of the organization and the general public; assists with carrying out long term plans and departmental goals.

Essential Job Function:

The tasks listed below are those that represent the majority of the time spent working in this class. Management may assign additional tasks related to the type of work of the class as necessary.

- Process service orders for single-phase residential services and determines material and labor costs through the Naviline Work order system. Must be able to establish good working relationship with customers, contractors and developers.
- Designs simple single-phase line extensions, both overhead and underground, and creates work orders to install transformers, lift poles and services for new residential customers.
- Prepares work orders for security lighting and street lighting for residential and commercial applications; explains street and security lighting policies to customers.
- Respond to customer questions regarding the electrical distribution aspect of the building permit process.
- Assists with the determination of proper wire sizes and metering equipment.
- Assists with the proper transformer sizes and combinations for given loads on the distribution system.
- Assists with easements for electric system facilities.
- Uses Arc GIS Designer to create electric designs for construction.
- Assists with the electrical distribution system and street/area lighting activities with other City Departments and divisions, and with outside agencies.
- Navigate and utilize the Naviline Work Order and Customer Information systems.
- Attends staff or project meetings to exchange information; attends in-service training and technical or professional classes, seminars, or conferences to improve technical or professional skills.
- Uses GPS equipment to accurately map existing and planned facilities within the Mapping system.
- Uses Autocad to create permit drawings, assembly construction drawings, and light layouts.
- Other duties as assigned.

Marginal job functions:

- Summarizes, tabulates, or formats data or information in accordance with a prescribed schema or plan.

- Handles or uses machines, tools, or equipment that requires moderate instruction and experience such as computers, scanners, peripherals, software programs such as word processing, spreadsheets, or custom applications and complex drafting and GIS software.
- Performs skilled work involving rules/systems but solves problems almost constantly.
- Uses mathematics involving the practical application of fractions, percentages, ratios and proportions, measurements, logarithmic, or geometric construction, algebraic solutions of equations and inequalities, descriptive statistics, rectangular coordinates, and mathematical classifications or schemes.
- Read technical instructions, procedures manuals, and charts to solve practical problems; composes routine and specialized reports, forms, and business letters; speaks compound sentences using normal grammar and word form.
- Performs technical tasks requiring a wide range of procedures and requiring intensive understanding of a restricted field or complete familiarity with the functions of a unit or small division of an operating agency; requires normal attention with short periods of concentration for accurate results or occasional exposure to unusual pressure.
- Guides others, making frequent decisions, affecting the individual, coworkers, and others that depend on the service or product.

EXAMPLES OF MACHINES, TOOLS OR EQUIPMENT USED:

Uses machines, tools, or equipment that require moderate instruction and experience such as computers, scanners, peripherals, software programs such as Word, Excel, Access, ADOBE Pro, Naviline, ESRI, and custom applications and complex drafting and GIS software, producing maps and graphics, applying spatial analysis solutions to GIS data and other related duties.

SUPERVISION RECEIVED:

Electric Service Planner Supervisor, Electric Superintendent, and the Electric Director

AMERICANS WITH DISABILITIES ACT REQUIREMENTS

PHYSICAL AND DEXTERITY REQUIREMENTS: *Physical and dexterity refers to the requirement for physical exertion and coordination of limb and body movement.*

Requires light work that involves walking or standing some of the time, exerting up to 20 pounds of force on a recurring basis, and skill, adeptness and speed in the use of fingers, hands or limbs on repetitive operation of mechanical or electronic office machines or drawing tools within moderate tolerances or limits of accuracy.

ENVIRONMENTAL HAZARDS: *Environmental hazards refer to the job conditions that may lead to injury or health hazards even though precautions have been taken.*

The job risks exposure to bright/dim light, dusts and pollen, wet or humid conditions, extreme noise levels, animals/wildlife, fumes and/or noxious odors, traffic, moving machinery, electric shock, and heights.

SENSORY REQUIREMENTS: *Sensory ability refers to hearing, sight, touch, taste, and smell required by the job.*

The job requires normal visual acuity and field of vision, hearing, speaking, color perception, depth perception, and texture perception.

ADA COMPLIANCE

The City of Leesburg is an Equal Opportunity Employer. ADA requires the City to provide reasonable accommodations to qualified individuals with disabilities. Prospective and current employees are invited to discuss accommodations.

SPECIAL PROVISIONS:

None.

Assigned City Vehicle: Yes: **XX** No: _____

Exempt/Non-Exempt Employee Status:

All positions in the City are classified as either exempt or non-exempt (in compliance with Federal Law) for pay administration purposes.

*This class is FLSA non-exempt.

Department Head (Print)

Signature

Date

Supervisor (Print)

Signature

Date

**Human Resources Director
(Print)**

Signature

Date

I acknowledge receipt of a copy of this job description. I understand that I am responsible for performing the duties listed here as well as other duties assigned by my supervisor or higher-level manager. My signature does not mean that I necessarily agree with this document, only that I was given a copy and advised of my job duties and responsibilities.

Employee Signature

Name (Printed)

Date



AGENDA MEMORANDUM

Item No: 5.C.4.

Meeting Date: February 22, 2016

From: Tracey Dean, Airport Manager

Subject: Resolution authorizing execution of the Second Amendment to Lease with Wipaire, Inc., to amend the legal description; adding additional square footage.

Staff Recommendation:

Staff recommends approval of the Second Amendment.

Analysis:

On March 10, 2014 the City executed a lease agreement with Wipaire, Inc. for property located at 32725 Echo Drive at the Leesburg International Airport. Planned improvements were identified in the lease, Exhibit B, approved by Resolution 9367. One such improvement listed, is office and shop expansion. Wipaire, Inc. has designed the planned expansion on the westerly side of the hangar. The plans, prepared by local architect, James P. Senatore, have been informally reviewed by the Building department to ensure that the appropriate codes have been met. The Airport Manager submitted an air space study to the FAA in November; the final determination being, no objection to the proposed construction. Staff now requests approval to increase the original leased area to provide space necessary for the expansion. The additional square footage is 1,904.6. Due to the increase in the square footage of the leased premises, the total monthly rent shall increase to \$376.34. This total monthly payment includes \$40.00 for tie down spaces added by the First Amendment.

Options:

1. Approve the Second Amendment to Lease with Wipaire, Inc.; or
2. Such alternative action as the Commission may deem appropriate

Fiscal Impact:

The additional square footage generates \$285.69 in annual revenue.

Submission Date and Time: 2/18/2016 2:36 PM

Department: <u>Airport</u> Prepared by: <u>Tracey Dean</u> Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Advertised: <input type="checkbox"/> Not Required <input checked="" type="checkbox"/> Dates: _____ Attorney Review: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> _____ Revised 6/10/04	Reviewed by: Dept. Head _____ Finance Dept. _____ Deputy C.M. _____ Submitted by: _____ City Manager _____	Account No. <u>048-0000-362-0200</u> Project No. _____ WF No. _____ Budget _____ Available _____
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RESOLUTION NO. _____

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF
LEESBURG, FLORIDA AUTHORIZING THE MAYOR AND CITY
CLERK TO EXECUTE THE SECOND AMENDMENT TO LEASE
BETWEEN THE CITY OF LEESBURG AND WIPAIRE, INC., TO
INCREASE THE SQUARE FOOTAGE OF LEASED PROPERTY
LOCATED AT 32725 ECHO DRIVE, AND PROVIDING AN
EFFECTIVE DATE.

**BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LEESBURG,
FLORIDA:**

THAT the Mayor and City Clerk are hereby authorized to execute a lease
amendment with Wipaire, Inc., whose address is 1700 Henry Ave, South St. Paul, Minnesota
55075, for the purpose of amending the legal description to increase the leased property.

THAT this resolution shall become effective immediately.

PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at a
regular meeting held the 22nd day of February 2016.

JAY HURLEY, Mayor

ATTEST:

J. ANDI PURVIS, City Clerk

SECOND AMENDMENT TO LEASE

THIS AMENDMENT (the "Second Amendment") is entered into between **THE CITY OF LEESBURG, FLORIDA**, as Lessor, and **WIPAIRE, INC.**, as Lessee.

Previously, Lessor and Lessee entered into a Lease which was approved by Lessor's City Commission in Resolution No. 9367. Subsequently, the Lease was amended by a First Amendment which added tie down spaces, and which was approved by the City Commission in Resolution No. 9589. The parties now desire to amend the Lease further by adding additional property to accommodate an expansion of the structure on the leased premises, and have entered into this Second Amendment for that purpose.

NOW THEREFORE, in consideration of the Lease, the First Amendment, the mutual covenants and promises contained in this Second Amendment, the sum of \$10.00, and other good and valuable considerations in hand paid and given by each party to the other, the receipt and sufficiency of which are acknowledged by the parties, Lessor and Lessee agree to amend the Lease by substituting Exhibit "A" as attached to this Second Amendment, for Exhibit "A" as originally attached to the Lease. Henceforth, Exhibit "A" as attached to this Second Amendment shall constitute the legal description of the leased premises, together with the tie down spaces added by the First Amendment.

Due to the increase in the square footage of the leased premises by this Second Amendment, the rent due for the leased premises shall increase to \$376.34 per month, plus applicable sales taxes, commencing _____, 2016, including the rent due for the tie down spaces.

Except as specifically modified by this Second Amendment, the Lease and the First Amendment shall continue in full force and effect, as each was originally executed. In the event of a conflict between the Lease, the First Amendment, and this Second Amendment, this Second Amendment shall govern and take precedence.

IN WITNESS WHEREOF, the parties have caused their duly authorized representatives to sign this Second Amendment on the dates shown.

WITNESSES (two required):

WIPAIRE, INC.

Roxanne K. Bolinske
Roxanne K. Bolinske
(Type or print name of witness)

Missi Lane
Missi Lane
(Type or print name of witness)

BY: [Signature]
ROBERT WIPLINGER, CEO

DATE: January 6, 2016

THE CITY OF LEESBURG, FLORIDA

BY: _____
JAY HURLEY, Mayor

DATE: _____, 2016

Attest: _____
ANDI PURVIS, City Clerk

APPROVED AS TO FORM AND CONTENT:

CITY ATTORNEY

EXHIBIT "A", (SHEET 1 OF 2), ATTACHMENT TO THE WIPAIRE LEASE

DATED: _____.

LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED AT THE LEESBURG REGIONAL AIRPORT, CITY OF LEESBURG, IN SECTION 22, TOWNSHIP 19 SOUTH, RANGE 25 EAST, LAKE COUNTY FLORIDA.

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 22, FOR THE POINT OF COMMENCEMENT, (POC); THENCE RUN SOUTH 89°38'25" EAST, ALONG THE NORTH LINE OF SAID SECTION 22, A DISTANCE OF 770.02 FEET, TO THE INTERSECTION OF THE NORTHERLY EXTENSION OF THE CENTERLINE OF THE 50.00 FOOT WIDE RIGHT OF WAY OF ECHO DRIVE; THENCE RUN SOUTH 21°23'38" WEST, ALONG THE AFORESAID NORTHERLY EXTENSION AND ALONG THE CENTERLINE OF ECHO DRIVE, A DISTANCE OF 1,689.73 FEET, TO A POINT LOCATED 900.00 FEET, PERPENDICULAR MEASURE, NORTHERLY OF THE CENTERLINE OF RUNWAY 13-31 LOCATED AT LEESBURG REGIONAL AIRPORT; THENCE RUN NORTH 50°12'40" WEST, PARALLEL WITH AND 900.00 FEET NORTHERLY OF SAID CENTERLINE OF RUNWAY 13-31, A DISTANCE OF 26.35 FEET TO THE WESTERLY RIGHT OF WAY LINE OF SAID ECHO DRIVE AND THE POINT OF BEGINNING, (POB); THENCE RUN SOUTH 21°23'38" WEST, ALONG SAID WESTERLY RIGHT OF WAY LINE, 18.44 FEET; THENCE RUN NORTH 50°12'40" WEST, PARALLEL WITH SAID CENTERLINE OF RUNWAY, 64.12 FEET; THENCE RUN NORTH 49°28'40" EAST, PERPENDICULAR WITH SAID CENTERLINE, 14.56 FEET; THENCE RUN NORTH 50°12'40" WEST, PARALLEL WITH SAID CENTERLINE, 131.25 FEET; THENCE RUN NORTH 39°47'20" EAST, PERPENDICULAR WITH SAID CENTERLINE, 144.94 FEET, THENCE RUN SOUTH 64°15'35" EAST, 133.18 FEET TO THE AFORESAID WESTERLY RIGHT OF WAY OF ECHO DRIVE; THENCE RUN SOUTH 21°23'38" WEST, ALONG SAID WESTERLY RIGHT OF WAY LINE, 183.50 FEET TO THE POINT OF BEGINNING.

DESCRIBED PARCEL CONTAINS 26,907.189 SQUARE FEET OR 0.618 ACRES MORE OR LESS

GENERAL NOTES

1: This is NOT A BOUNDARY SURVEY.

2: This sketch is to show existing site information and improvements for the sole purpose of conceptual design.

3: This sketch was prepared for the City of Leesburg and its assign's as there interests may appear. Use of this sketch by any other parties is Strictly forbidden.

4: Use of this sketch shown on sheet 2 for any other purpose than that stated in note (2) is the sole responsibility of the user. The City of Leesburg assumes no liability for the misuse of this information.

5: All information outside the labeled limits of this site is for general reference purposes only. Assumption of correctness outside of said site boundary is the liability of the user.

6: The Bearings, shown hereon, are relative to assumed datum, Based on the centerline of runway 13-31, Leesburg International Airport, as being N. 50°12'40" W

7: This sketch was prepared by the City of Leesburg, Economic Development Department, under the direct supervision of Adrian Parker, CPM CFM, Development Review Coordinator. for the City of Leesburg.

8: This sketch contains 2 sheets in which NONE are valid without all remaining sheets.

I Tracey Dean HAVE REQUESTED THE INFORMATION DEPICTED HERON AND ACKNOWLEDGE RECEIPT OF THE INFORMATION AND IT IS SATISFACTORY FOR MY NEEDS AS OF THE DATE OF THIS SIGNATURE.

NAME: Tracey Dean DATE: 2/2/16.

Airport Manager, Leesburg International Airport, the City of Leesburg.

SECTION: 21-19-25



CITY OF LEESBURG
PUBLIC WORKS DEPT.
ENGINEERING DIVISION
550 S. 14th ST. - P.O. BOX 490630
LEESBURG, FLORIDA 34749
PHONE (352) 728-9755
FAX (352) 728-9879

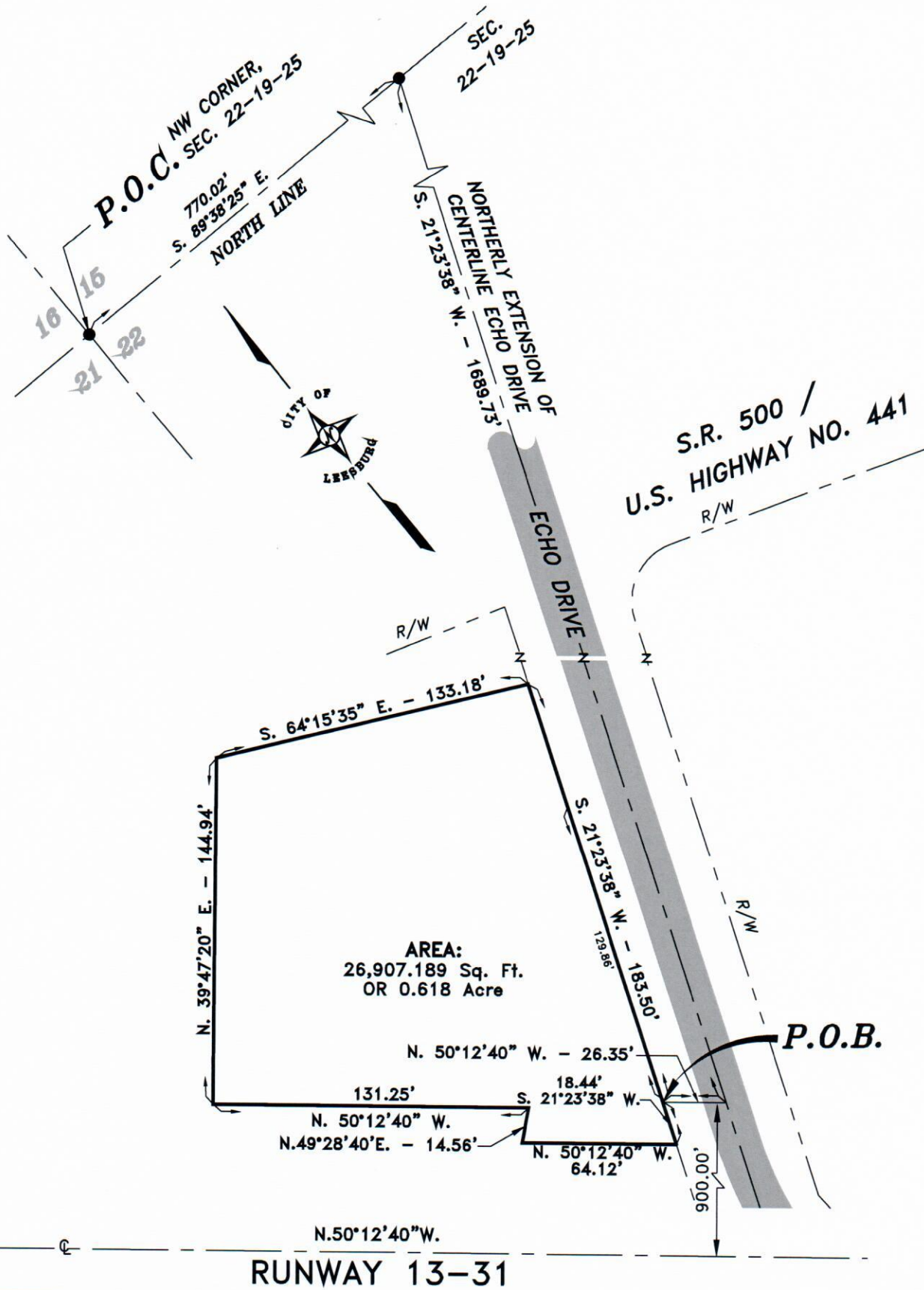
SKETCH and DESCRIPTION

WIPAIRE
LEASE PROPERTY at
Leesburg International Airport
CITY OF LEESBURG

DATE: 07/28/2015
DRAWN: AP
CHECKED: AP
APPROVED: TD
SCALE: NTS
FILE NO.: AP15001

SHEET
NUMBER
1
OF
2

EXHIBIT "A" (SHEET 2 OF 2)



CITY OF LEESBURG
PUBLIC WORKS DEPT.
ENGINEERING DIVISION
550 S. 14th ST. - P.O. BOX 490630
LEESBURG, FLORIDA 34749
PHONE (352) 728-9755
FAX (352) 728-9879

SKETCH and DESCRIPTION

WIPAIRE
LEASE PROPERTY at
Leesburg International Airport
CITY OF LEESBURG

DATE: 07/28/2015
DRAWN: AP
CHECKED: AP
APPROVED: TD
SCALE: 1" = 60'
FILE NO.: AP15001

SHEET
NUMBER
2
OF
2



Federal Aviation Administration

February 02, 2016

TO: City of Leesburg
Attn: Leesburg International Airport
PO Box 490630
Leesburg, FL 34749-0630
tracey.dean@leesburgflorida.gov

CC: CITY OF LEESBURG
PO BOX 490630
LEESBURG, FL 34749-0630
tracey.dean@leesburgflorida.gov

RE: (See attached Table 1 for referenced case(s))
FINAL DETERMINATION

Table 1 - Letter Referenced Case(s)

ASN	Prior ASN	Location	Latitude (NAD83)	Longitude (NAD83)	AGL (Feet)	AMSL (Feet)
2015-ASO-4255-NRA		LEESBURG, FL	28-49-34.25N	81-48-27.39W	23	97
2015-ASO-4256-NRA		LEESBURG, FL	28-49-34.09N	81-48-27.18W	23	98
2015-ASO-4257-NRA		LEESBURG, FL	28-49-33.49N	81-48-28.12W	22	98
2015-ASO-4258-NRA		LEESBURG, FL	28-49-33.33N	81-48-27.90W	23	98
2015-ASO-4259-NRA		LEESBURG, FL	28-49-33.42N	81-48-28.18W	14	89
2015-ASO-4260-NRA		LEESBURG, FL	28-49-33.39N	81-48-28.14W	14	89
2015-ASO-4261-NRA		LEESBURG, FL	28-49-33.32N	81-48-27.97W	14	89

Description: Building extension/addition to existing hangar located at 32725 Echo Drive. The four corners of the building extension are the first four cases entered. The remaining three cases are points of a railing to an open-air stairway leading to a deck. The extension design, including the stairs, meet the current building codes of the City of Leesburg, FL.

We do not object to the construction described in this proposal provided:

You comply with the requirements set forth in FAA Advisory Circular 150/5370-2, "Operational Safety on Airports During Construction."

No objection provided the expansion is clear of the adjacent Taxilane Object Free Area (TOFA).

Adjacent taxiway must be closed to transient traffic during the construction of the hangar.

Crane to be use during the construction, if any, must be studied in a separate case.

Airport NOTAMS shall publish the location of the construction for the duration of the project.

This determination does not constitute FAA approval or disapproval of the physical development involved in the proposal. It is a determination with respect to the safe and efficient use of navigable airspace by aircraft and with respect to the safety of persons and property on the ground.

In making this determination, the FAA has considered matters such as the effects the proposal would have on existing or planned traffic patterns of neighboring airports, the effects it would have on the existing airspace structure and projected programs of the FAA, the effects it would have on the safety of persons and property on the ground, and the effects that existing or proposed manmade objects (on file with the FAA), and known natural objects within the affected area would have on the airport proposal.

When your Airport Layout Plan is updated, please include this new development. In the meantime, we will show this feature on your current ALP approved on file.

This determination expires on August 2, 2017 unless:

- (a) extended, revised or terminated by the issuing office.
- (b) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for the completion of construction, or the date the FCC denies the application.

NOTE: Request for extension of the effective period of this determination must be obtained at least 15 days prior to expiration date specified in this letter.

If you have any questions concerning this determination contact Jennifer Ganley (407) 812-6331 jennifer.ganley@faa.gov.

Jennifer Ganley
Specialist



AGENDA MEMORANDUM

Item No: 5.C.5.

Meeting Date: February 22, 2016

From: James Feagle, Deputy Director of Public Works

Subject: Resolution authorizing an Inter-local Agreement between Lake County Government and the City of Leesburg for traffic signal maintenance

Staff Recommendation:

Staff recommends approval of an Inter-local Agreement between Lake County, Florida, and the City of Leesburg for traffic signal maintenance.

Analysis:

On November 7th, 2003 the parties entered into an Inter-local Agreement for Traffic Signal Maintenance with Lake County for maintaining traffic signals within the City of Leesburg. Lake County has since evaluated the maintenance rate structure for their service of maintaining the traffic signals and interconnected telecommunications for the signals. This agreement includes equipment at various City of Leesburg local intersections which include 37 traffic signals, beacons and flashers and various State Intersections within the City of Leesburg which include 33 signals, flashers and beacons. The County maintains traffic signals for eleven other Municipalities in our area and the new rate structure will be countywide for participating agencies. Exhibit A (See Attached) is the description of service for the traffic signal maintenance locations and associated cost. Exhibit B (See Attached) is the breakdown of services and locations for the interconnected telecommunications signals.

Maintenance cost for the service period 10/01/14 through 9/30/15 for the maintenance of 70 Traffic signals, Flashers/Beacons, and School Flashers was \$101,047.43. Maintenance cost proposed in the new contract will be \$119,880.10 with an additional cost of \$19,166.00 for maintenance of 14 interconnected telecommunications signals on State roads which totals \$139,046.10. This is an increase of \$37,998.67.

Options:

1. Approve the Inter-local Agreement between Lake County and the City of Leesburg; or
2. Such alternative action as the Commission may deem appropriate

Fiscal Impact:

The city will pay to the County the annual amount of \$2,596.00 per signalized intersection with an additional \$1,369.00 for interconnected telecommunications signals and \$534.67 per flashing beacon, warning flasher or school flasher to cover the cost of maintenance, including parts and labor, totaling \$121,846.10 to be billed annually. The annual amount shall increase automatically by three percent upon each anniversary date of this agreement. Funds are available in the current fiscal year.

This cost is offset by the new FDOT agreement approved by the city commission on 6/23/2014. Reimbursement for the 2015-16 year from FDOT will be approximately \$98,040.00. Last year the City of Leesburg paid Lake County \$101,047.43 for maintenance with a reimbursement of \$51,163.13 from the State. Although our cost to Lake County will increase by \$37,998.67 there will be a savings to City due to the increased reimbursement from the State resulting in a net savings of \$8,877.93 for the City.

Submission Date and Time: 2/18/2016 2:36 PM

Department: <u>Public Works</u> Prepared by: <u>James Feagle/LF</u> Attachments: Yes <u>X</u> No _____ Advertised: _____ Not Required <u>X</u> Dates: _____ Attorney Review : Yes <u>X</u> No _____ _____ Revised 6/10/04	Reviewed by: Dept. Head _____ Finance Dept. _____ Deputy C.M. _____ Submitted by: City Manager _____	Account No. <u>001-5112-541-46-12</u> Project No. _____ WF No. _____ Budget <u>\$139,046.10</u> Available <u>\$139,046.10</u>
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RESOLUTION NO. _____

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF
LEESBURG, FLORIDA AUTHORIZING THE MAYOR AND CITY
CLERK TO EXECUTE AN INTER-LOCAL AGREEMENT
BETWEEN LAKE COUNTY GOVERNMENT AND THE CITY
OF LEESBURG FOR TRAFFIC SIGNAL MAINTENANCE; AND
PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LEESBURG,
FLORIDA:

THAT the Mayor and City Clerk are hereby authorized to execute an agreement
with Lake County, whose address is PO Box 7800, Tavares, FL 32778 for Inter-local
Agreement for Traffic Signal Maintenance.

THAT this resolution shall become effective immediately.

PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at a
regular meeting held the 22nd day of February 2016.

Mayor

ATTEST:

City Clerk

**INTERLOCAL AGREEMENT BETWEEN
LAKE COUNTY, FLORIDA AND THE
CITY OF LEESBURG FOR
TRAFFIC SIGNAL MAINTENANCE**

This Interlocal Agreement is made by and between Lake County, Florida, a political subdivision of the State of Florida, hereinafter the "County," and the City of Leesburg, a municipal corporation organized under the Laws of the State of Florida, hereinafter the "City," for traffic signal maintenance.

WHEREAS, Section 163.01, Florida Statutes, known as the Florida Interlocal Cooperation Act of 1969, allows a public agency to exercise jointly with other public agencies any power, privilege or authority which such agencies share in common; and

WHEREAS, Section 125.01(p), Florida Statutes, authorizes the County to enter into agreements with other governmental agencies for performance of one unit on behalf of the other any of either agency's functions; and

WHEREAS, on December 19, 2013, the parties did enter into an Interlocal Agreement for Traffic Signal Maintenance; and

WHEREAS, the parties now desire to replace the existing agreement.

NOW, THEREFORE, IN CONSIDERATION of the mutual terms, understandings, conditions, premises, covenants and payment hereinafter set forth, and intending to be legally bound, the parties hereby agree as follows:

1. **Recitals.** The foregoing recitals are true and correct and incorporated herein by reference.

2. **Effective Date.** This agreement shall become effective on October 1, 2015.

3. **Term.** This agreement shall have a term of seven (7) years from the effective date. This agreement shall thereafter renew annually until otherwise terminated in accordance herewith.

4. **County Obligations.**

A. The County will provide traffic signal maintenance, both planned and emergency for those signals identified in **Exhibit A**, attached hereto and incorporated herein by reference. Maintenance shall be in accordance with the most current repair manual, and in compliance with standards promulgated by the State Department of

Transportation pursuant to Section 316.0745, Florida Statutes. Additional devices may be added throughout the term of this Agreement by written memorandum executed by the County Manager or designee, and by the City Manager or designee.

B. The County will provide qualified employees to perform the maintenance needed, and will ensure that such qualified employees will be available at all times, day and night, and will maintain emergency response vehicles for use in performing emergency tasks.

C. In the event of major damage to the signal or its component parts which is beyond the County's ability to repair at the scene, the County shall have the option of restoring traffic control by switching the intersection to temporary flash mode until the equipment can be repaired or replaced.

D. In the event of damage of a catastrophic nature, or in the event of traffic signal, beacon, warning flasher or school flasher rebuild or repair, which is deemed to be beyond the County's maintenance capabilities, the County will employ the services of a contractor to effect the repairs. Selection of a contractor shall be at the County's sole discretion.

5. City's Obligations.

A. The City shall pay to the County the annual amount of **\$2,596.00** per signalized intersection and **\$534.67** per flashing beacon, warning flasher or school flasher intersection to cover the cost of maintenance, including parts and labor, to be billed annually. Such monies shall be remitted within thirty (30) days of receipt of an annual invoice from the County. The annual amount shall include monthly signal inspections, annual preventive maintenance routines, and planned and emergency maintenance. This amount shall **not** include repairs catastrophic in nature as set forth in section 4(D) above. Thereafter, the annual amount shall automatically increase by three percent (3%) upon each anniversary date of this Agreement.

C. The City shall be responsible for all other operational costs associated with such traffic signals, beacons, warning flashers, school flashers, or flashing beacons, including but not limited to electricity.

D. In the event of damage of a catastrophic nature, or in the event of traffic signal, beacon, warning flasher or school flasher rebuild or repair, which is deemed to be beyond the County's maintenance capabilities, the City shall reimburse the County for all charges levied by the County's contractor retained in accordance with section 4(D) above. The County will bill the City for these repairs at its cost and the City shall reimburse the County immediately upon receipt of such invoice.

E. The City shall provide to the County information regarding the installation of any new signals, beacons, warning flashers, or school flashers during the annual period, including signals, beacons, warning flashers or school flashers contained within

any area annexed by the City. Such information shall be given to the County before construction plans are approved, or the annexation is finalized, and the County shall retain the right of review and comment on the construction plans, or proposed annexation. The County shall automatically add such new signals, beacons, warning flashers and school flashers to this Agreement and the City shall include the new traffic signals, beacons, warning flashers, and school flashers when calculating the amount payable to the County under this Agreement. The amount payable shall be prorated for each traffic signals, beacons, warning flashers, school flashers, or flashing beacons as of the date of the device comes on-line, or the date the device is annexed, prior to the annual renewal hereof.

F. Beginning July 1, 2016, the Florida Department of Transportation (FDOT) will be reimbursing all jurisdictions in the amount of \$4,500.00 for each traffic signal that is interconnected with telecommunications and are monitored at a central location. The City recognizes that the County, at the County's sole cost and expense, did interconnect the signals identified in **Exhibit B**, attached hereto and incorporated herein by reference, with available telecommunications and does monitor such signals at a central location. Therefore, the City shall remit no later than July 31st each year to the County an additional **\$1,369.00**, per interconnected traffic signal per year. This amount is the difference between the \$4,500 allocated by FDOT for interconnected signals, and the \$3,131.00 that FDOT will reimburse for signals that are not interconnected. This amount shall be adjusted if the FDOT allocations for future fiscal years is adjusted, but the formula for such calculation shall remain the same.

6. **Termination.** This agreement may be terminated by either party without cause with one hundred twenty (120) days notice to the non-terminating party.

7. **Notices.** Wherever provision is made in this Agreement for the giving, serving or delivering of any notice, statement, or other instrument, such notice shall be in writing and shall be deemed to have been duly given, served and delivered, if delivered by hand or mailed by United States registered or certified mail, addressed as follows:

COUNTY

Public Works Department
P.O. Box 7800
Tavares, Florida 32778

CITY

City Manager
501 W. Meadow Street
Leesburg, Florida 34748

Notice sent by facsimile transmission shall not be accepted.

8. **Entire Agreement.** It is mutually agreed that the entire agreement between the parties is contained herein, and that neither party has made any statement, promise or agreement, or taken upon itself any engagement whatsoever that it is not fully capable of honoring to its fullest.

9. Prior Agreements. The previous agreement entered into between the parties dated on or about December 19, 2013 shall be terminated effective September 30, 2015.

10. Severability. If any provision, condition, promise, or part of this agreement is found or held to be invalid, it is the intent of the parties that the remaining provisions are unaffected and will be honored by the parties. To this end, the provisions of this agreement are declared severable.

IN WITNESS HERETO, the parties to this agreement, by their signatures, have caused this agreement and all its parts, to be fully executed on the day and year hereinafter written.

COUNTY

ATTEST:

LAKE COUNTY, through its BOARD OF
COUNTY COMMISSIONERS

Neil Kelly, Clerk
of the Board of County
Commissioners of Lake
County, Florida

Jimmy Conner
Chairman

This ____ day of _____, 2015

Approved as to form and legality:

Sanford A. Minkoff, County Attorney

Interlocal agreement between Lake County, Florida and the City of Leesburg for Traffic Signal Maintenance.

CITY OF LEESBURG

Name: _____

Title: _____

ATTEST:

City Clerk

Approved as to form and legality:

City Attorney

EXHIBIT A: SIGNALS AND BEACONS

City of Leesburg Exhibit A with Interconnected Telecommunication Information

Cartograph ID	Type	Major Road	Dir	Side Street A	Standard Rate	Additional for Interconnect w/ telecom 2016-17	Interconnected w/ telecom
LE-B-169	Beacon	13TH ST		HIGH ST	\$534.67		No
LE-B-166	Beacon	HIGH ST		MOSS ST	\$534.67		No
LE-B-168	Beacon	LEE ST		HERNDON ST	\$534.67		No
LE-B-167	Beacon	MOSS ST		VINE ST	\$534.67		No
LE-B-161	Beacon	SR 44		LAKE PORT BLVD	\$534.67		No
LE-F-163	Flasher	US 441	NB		\$534.67		No
LE-F-164	Flasher	US 441	SB		\$534.67		No
LE-SF-181	School Flasher	13TH ST	NB		\$534.67		No
LE-SF-182	School Flasher	13TH ST	SB		\$534.67		No
LE-SF-187	School Flasher	BEECHER ST	NB		\$534.67		No
LE-SF-188	School Flasher	BEECHER ST	SB		\$534.67		No
LE-SF-199	School Flasher	CR 44A (GRIFFIN RD)	EB		\$534.67		No
LE-SF-200	School Flasher	CR 44A (GRIFFIN RD)	WB		\$534.67		No
LE-SF-177	School Flasher	GRIFFIN RD	EB		\$534.67		No
LE-SF-178	School Flasher	GRIFFIN RD	WB		\$534.67		No
LE-SF-179	School Flasher	LEE ST	NB		\$534.67		No
LE-SF-180	School Flasher	LEE ST	SB		\$534.67		No
LE-SF-191	School Flasher	MAIN ST	EB		\$534.67		No
LE-SF-192	School Flasher	MAIN ST	WB		\$534.67		No
LE-SF-194	School Flasher	MOSS ST	SB		\$534.67		No
LE-SF-406	School Flasher	SR 44		Oak Park Middle	\$534.67		No
LE-SF-407	School Flasher	SR 44		Oak Park Middle	\$534.67		No
LE-SF-408	School Flasher	SR 44		Oak Park Middle	\$534.67		No
LE-SF-409	School Flasher	SR 44		Oak Park Middle	\$534.67		No
LE-SF-395	School Flasher	SR 44 (SOUTH ST)	EB		\$534.67		No
LE-SF-396	School Flasher	SR 44 (SOUTH ST)	WB		\$534.67		No
LE-SF-183	School Flasher	SUNSHINE AV	NB		\$534.67		No
LE-SF-184	School Flasher	SUNSHINE AV	SB		\$534.67		No

LE-SF-195	School Flasher	VINE ST	EB		\$534.67		No
LE-SF-196	School Flasher	VINE ST	WB		\$534.67		No
LE-S-155	Signal	MAIN ST		CANAL ST	\$2,596.00		No
LE-S-156	Signal	MAIN ST		3RD ST	\$2,596.00		No
LE-S-157	Signal	MAIN ST		6TH ST	\$2,596.00		No
LE-S-158	Signal	MAIN ST		9TH ST	\$2,596.00		No
LE-S-159	Signal	MAIN ST		12TH ST	\$2,596.00		No
LE-S-278	Signal	Main St		Lone Oak Dr	\$2,596.00		No
LE-S-160	Signal	MAIN ST, W		THOMAS AV	\$2,596.00		No
LE-S-149	Signal	SR 44		MAIN ST	\$2,596.00		No
LE-S-150	Signal	SR 44		LAKE ST	\$2,596.00		No
LE-S-151	Signal	SR 44		CANAL ST	\$2,596.00		No
LE-S-152	Signal	SR 44		9TH ST	\$2,596.00		No
LE-S-153	Signal	SR 44		12Th ST	\$2,596.00		No
LE-S-154	Signal	SR 44		CR 468	\$2,596.00		No
LE-S-203	Signal	SR 44		LONE OAK DR	\$2,596.00		No
LE-S-035	Signal	THOMAS AV		CR 44C (GRIFFIN RD # 4908)	\$2,596.00		No
LE-S-130	Signal	US 27		DR. MARTIN LUTHER KING JR / CR460.	\$2,596.00	\$1,369.00	Yes
LE-S-131	Signal	US 27		CR 466A / PICCIOLA RD	\$2,596.00	\$1,369.00	Yes
LE-S-132	Signal	US 27		North Lake Plaza	\$2,596.00	\$1,369.00	Yes
LE-S-133	Signal	US 27		GRIFFIN RD	\$2,596.00	\$1,369.00	Yes
LE-S-134	Signal	US 27		Palm Plaza	\$2,596.00		No
LE-S-136	Signal	US 27		CITIZENS BV	\$2,596.00		No
LE-S-137	Signal	US 27		CENTER ST	\$2,596.00		No
LE-S-138	Signal	US 27		MAIN ST	\$2,596.00		No
LE-S-139	Signal	US 27		YELLOW JACKET fka Meadows	\$2,596.00		No
LE-S-140	Signal	US 27		SUMTER ST	\$2,596.00		No
LE-S-141	Signal	US 27		SR 44 (DIXIE AV)	\$2,596.00		No
LE-S-142	Signal	US 27		GUNSTON ST	\$2,596.00		No
LE-S-068	Signal	US 441		COLLEGE DR	\$2,596.00	\$1,369.00	Yes
LE-S-069	Signal	US 441		CR 44	\$2,596.00	\$1,369.00	Yes
LE-S-070	Signal	US 441		CR 473	\$2,596.00	\$1,369.00	Yes
LE-S-073	Signal	US 441		LAKES BV	\$2,596.00	\$1,369.00	Yes

LE-S-074	Signal	US 441		LAKE SQUARE MALL	\$2,596.00	\$1,369.00	Yes
LE-S-076	Signal	US 441		RADIO RD	\$2,596.00	\$1,369.00	Yes
LE-S-143	Signal	US 441		CITIZENS BV	\$2,596.00	\$1,369.00	Yes
LE-S-144	Signal	US 441		PERKINS ST	\$2,596.00	\$1,369.00	Yes
LE-S-145	Signal	US 441		LEE ST	\$2,596.00		No
LE-S-146	Signal	US 441		3RD ST	\$2,596.00		No
LE-S-147	Signal	US 441		CANAL ST	\$2,596.00		No
LE-S-148	Signal	US 441		SR 44 (Dixie AV)	\$2,596.00	\$1,369.00	Yes
LE-S-364	Signal	US 441		US 27 Connector	\$2,596.00	\$1,369.00	Yes
TOTAL Exhibit A					\$119,880.10		

EXHIBIT B: INTERCONNECTED TRAFFIC SIGNALS

City of Leesburg Exhibit B with Interconnected Telecommunication Information FY 2016-17

Cartograph ID	Type	Major Road	Side Street A	Interconnect w/ telecom 2016-17	Interconnected w/ telecom	NOTES
LE-S-130	Signal	US 27	DR. MARTIN LUTHER KING JR / CR460.	\$1,369.00	Yes	On the FDOT system, interconnected with Telecommunication
LE-S-131	Signal	US 27	CR 466A / PICCIOLA RD	\$1,369.00	Yes	On the FDOT system, interconnected with Telecommunication
LE-S-132	Signal	US 27	North Lake Plaza	\$1,369.00	Yes	On the FDOT system, interconnected with Telecommunication
LE-S-133	Signal	US 27	GRIFFIN RD	\$1,369.00	Yes	On the FDOT system, interconnected with Telecommunication
LE-S-068	Signal	US 441	COLLEGE DR	\$1,369.00	Yes	On the FDOT system, interconnected with Telecommunication
LE-S-069	Signal	US 441	CR 44	\$1,369.00	Yes	On the FDOT system, interconnected with Telecommunication
LE-S-070	Signal	US 441	CR 473	\$1,369.00	Yes	On the FDOT system, interconnected with Telecommunication
LE-S-073	Signal	US 441	LAKES BV	\$1,369.00	Yes	On the FDOT system, interconnected with Telecommunication
LE-S-074	Signal	US 441	LAKE SQUARE MALL	\$1,369.00	Yes	On the FDOT system, interconnected with Telecommunication
LE-S-076	Signal	US 441	RADIO RD	\$1,369.00	Yes	On the FDOT system, interconnected with Telecommunication
LE-S-143	Signal	US 441	CITIZENS BV	\$1,369.00	Yes	On the FDOT system, interconnected with Telecommunication
LE-S-144	Signal	US 441	PERKINS ST	\$1,369.00	Yes	On the FDOT system, interconnected with Telecommunication
LE-S-148	Signal	US 441	SR 44 (Dixie AV)	\$1,369.00	Yes	On the FDOT system, interconnected with Telecommunication
LE-S-364	Signal	US 441	US 27 Connector	\$1,369.00	Yes	On the FDOT system, interconnected with Telecommunication
TOTAL EXHIBIT B				\$19,166.00		

EXHIBIT A: SIGNALS AND BEACONS

City of Leesburg Exhibit A with Interconnected Telecommunication Information

Cartograph ID	Type	Major Road	Dir	Side Street A	Standard Rate	Additional for Interconnect w/ telecom 2016-17	Interconnected w/ telecom
LE-B-169	Beacon	13TH ST		HIGH ST	\$534.67		No
LE-B-166	Beacon	HIGH ST		MOSS ST	\$534.67		No
LE-B-168	Beacon	LEE ST		HERNDON ST	\$534.67		No
LE-B-167	Beacon	MOSS ST		VINE ST	\$534.67		No
LE-B-161	Beacon	SR 44		LAKE PORT BLVD	\$534.67		No
LE-F-163	Flasher	US 441	NB		\$534.67		No
LE-F-164	Flasher	US 441	SB		\$534.67		No
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LE-SF-184	School Flasher	SUNSHINE AV	SB		\$534.67		No

LE-SF-195	School Flasher	VINE ST	EB		\$534.67		No
LE-SF-196	School Flasher	VINE ST	WB		\$534.67		No
LE-S-155	Signal	MAIN ST		CANAL ST	\$2,596.00		No
LE-S-156	Signal	MAIN ST		3RD ST	\$2,596.00		No
LE-S-157	Signal	MAIN ST		6TH ST	\$2,596.00		No
LE-S-158	Signal	MAIN ST		9TH ST	\$2,596.00		No
LE-S-159	Signal	MAIN ST		12TH ST	\$2,596.00		No
LE-S-278	Signal	Main St		Lone Oak Dr	\$2,596.00		No
LE-S-160	Signal	MAIN ST, W		THOMAS AV	\$2,596.00		No
LE-S-149	Signal	SR 44		MAIN ST	\$2,596.00		No
LE-S-150	Signal	SR 44		LAKE ST	\$2,596.00		No
LE-S-151	Signal	SR 44		CANAL ST	\$2,596.00		No
LE-S-152	Signal	SR 44		9TH ST	\$2,596.00		No
LE-S-153	Signal	SR 44		12Th ST	\$2,596.00		No
LE-S-154	Signal	SR 44		CR 468	\$2,596.00		No
LE-S-203	Signal	SR 44		LONE OAK DR	\$2,596.00		No
LE-S-035	Signal	THOMAS AV		CR 44C (GRIFFIN RD # 4908)	\$2,596.00		No
LE-S-130	Signal	US 27		DR. MARTIN LUTHER KING JR / CR460.	\$2,596.00	\$1,369.00	Yes
LE-S-131	Signal	US 27		CR 466A / PICCIOLA RD	\$2,596.00	\$1,369.00	Yes
LE-S-132	Signal	US 27		North Lake Plaza	\$2,596.00	\$1,369.00	Yes
LE-S-133	Signal	US 27		GRIFFIN RD	\$2,596.00	\$1,369.00	Yes
LE-S-134	Signal	US 27		Palm Plaza	\$2,596.00		No
LE-S-136	Signal	US 27		CITIZENS BV	\$2,596.00		No
LE-S-137	Signal	US 27		CENTER ST	\$2,596.00		No
LE-S-138	Signal	US 27		MAIN ST	\$2,596.00		No
LE-S-139	Signal	US 27		YELLOW JACKET Ika Meadows	\$2,596.00		No
LE-S-140	Signal	US 27		SUMTER ST	\$2,596.00		No
LE-S-141	Signal	US 27		SR 44 (DIXIE AV)	\$2,596.00		No
LE-S-142	Signal	US 27		GUNSTON ST	\$2,596.00		No
LE-S-068	Signal	US 441		COLLEGE DR	\$2,596.00	\$1,369.00	Yes
LE-S-069	Signal	US 441		CR 44	\$2,596.00	\$1,369.00	Yes
LE-S-070	Signal	US 441		CR 473	\$2,596.00	\$1,369.00	Yes
LE-S-073	Signal	US 441		LAKES BV	\$2,596.00	\$1,369.00	Yes

LE-S-074	Signal	US 441		LAKE SQUARE MALL	\$2,596.00	\$1,369.00	Yes
LE-S-076	Signal	US 441		RADIO RD	\$2,596.00	\$1,369.00	Yes
LE-S-143	Signal	US 441		CITIZENS BV	\$2,596.00	\$1,369.00	Yes
LE-S-144	Signal	US 441		PERKINS ST	\$2,596.00	\$1,369.00	Yes
LE-S-145	Signal	US 441		LEE ST	\$2,596.00		No
LE-S-146	Signal	US 441		3RD ST	\$2,596.00		No
LE-S-147	Signal	US 441		CANAL ST	\$2,596.00		No
LE-S-148	Signal	US 441		SR 44 (Dixie AV)	\$2,596.00	\$1,369.00	Yes
LE-S-364	Signal	US 441		US 27 Connector	\$2,596.00	\$1,369.00	Yes
TOTAL EXHIBIT A					\$119,880.10		

Traffic Signal Maintenance **INCLUDED** in the Yearly Maintenance Fees

Traffic Signal Signalized Intersection: Annual Maintenance Fees \$2,596

- Monthly Inspection
 - Test all equipment in the cabinet, for proper operation.
 - Controller program for proper operation. Upload program to input into Streetwise signal database program. Laptops are used to upload from the controllers in the field. Maintain database of signal programs to maintain the integrity of the programs for proper operation and signal coordination. If controller has issues, replace controller and send in original controller for repairs. Cost for new controller to have in stock to replace in the field \$3,330.
 - Check conflict monitor for proper operation. Replace if out of date. Conflict monitors are tested and certified annually on conflict monitor test equipment. Cost for new Conflict Monitor to have in stock to replace in the field \$925. Test equipment cost \$12,680. Annual calibration of test equipment \$630, up from \$500 last year.
 - Clean inside of cabinet of dust, spider webs etc.
 - Pest control for ants etc.
 - Change cabinet filter \$2.95
 - Check vehicle detection loops for proper detection.
 - Check Pedestrian signal for proper operations. Replace pedestrian detection button as needed. Cost \$29. Replace count down pedestrian signal indication module as needed. Cost \$150
 - Check overhead vehicle signal indications (LEDs) Replace as needed. LED prices: \$36.20 for Red, \$40.80 for Green, \$39.22 for Yellow.
 - Maintain pull boxes that house the loop lead ins, signal cable and pedestrian cable. Keep uncovered/raise to ground level, herbicide and replaced if damaged. \$110
 - Check overhead signal heads for proper road clearance. Tighten span if necessary.
 - Check span wire and signal messenger wire for deterioration.
 -
- Annual Overhead Inspection
 - Check overhead signal heads for loose or broken hardware. Replace as necessary.
 - Check span wire hardware for wear or damage, replace as needed.
 - Check signal head paint, repaint as necessary.
- Locate Services
 - Lake County is a member of Sunshine One Call. The traffic signals in the cities are on the Sunshine One Call Grid and we received notification to locate traffic signal equipment and fiber optic interconnect.
- Signal Repairs
 - Lighting, electrical surges and other issues cause the electronic systems in the traffic signal cabinet to fail. BIU (\$300), Conflict Monitors (\$925) Controllers (\$3300 replacement, \$200 to \$700 repair), Power supplies (\$350), load switches (\$35), Surge suppressors (\$125) are replaced as needed.
 - Signal indication replacement. LED prices: \$36.20 for Red, \$40.80 for Green, \$39.22 for Yellow.
 - Signal timing complaints. We modify signal coordination system timings to make sure vehicle travel is as efficient as possible.
- Emergency Afterhours Response for signal issues. Response within 2 hours of call. Repairs as necessary.

The City is not charged for any of the above costs. The above cost does not include labor or vehicle costs, only parts. The above costs are included in the annual maintenance fee. The 3% annual increase is necessary to help cover the equipment, labor, fuel, cost increases. This also helps cover vehicle, testing equipment, laptops for field work, data base upgrades, and tool, replacement.

3% is also the amount FDOT increased the reimbursement rate for the cities to claim for traffic signals on the FDOT system within the cities.

Signal Maintenance Actual Costs For Inspection Only NO REPLACEMENT PARTS

Inspection Monthly/Annual			
Item	Hours Average per Inspection	Rate	Total
Technician	2.5	\$20.35	\$50.88
Truck	2.5	\$70.00	\$175.00
	Total per Month		\$225.88
Annual 12 Month Total			\$2,710.56

School Flasher/Warning Flashers & Beacons: Annual Maintenance Fees \$534.67

- Monthly Inspection
 - Test equipment.
 - For Warning solar flashers test Sun saver unit to verify solar panel voltage output. If defective replace. \$75.
 - For Warning solar flashers test battery, replace as needed \$50. Battery life approximately 1 year.
 - Solar Warning flashers, test LED, replace as needed. \$80.
 - Solar Warning flashers, test flasher unit, replace as needed, \$30.
 - Solar school flashers, same as above plus test clock and verify flasher program. Replace clock as needed. \$300.
 - AC Warning and school flashers, same as above test AC output.
 - Overhead warning beacon:
 - Test Flasher unit replace as needed \$30.
 - Check span and messenger wire for wear.
 - Check signal head for hardware issues, paint as needed.
 - Check LED, replace as needed. \$39.22 for yellow, \$36.20 for red.
- Signal repairs including maintain school programs, with annual updates and time and day changes through the year.

The City is not charged for any of the above costs. The above cost does not include labor or vehicle costs, only parts. The above costs are included in the annual maintenance fee. The 3% annual increase is necessary to help cover the Equipment, labor, fuel cost increases. This also helps cover vehicle, testing equipment, laptops for field work, date base upgrades, and tool, replacement.

EXHIBIT B: INTERCONNECTED TRAFFIC SIGNALS

City of Leesburg Exhibit B with Interconnected Telecommunication Information FY 2016-17

Cartograph ID	Type	Major Road	Side Street A	Interconnect w/ telecom 2016-17	Interconnected w/ telecom	NOTES
LE-S-130	Signal	US 27	DR. MARTIN LUTHER KING JR / CR460.	\$1,369.00	Yes	On the FDOT system, interconnected with Telecommunication
LE-S-131	Signal	US 27	CR 466A / PICCIOLA RD	\$1,369.00	Yes	On the FDOT system, interconnected with Telecommunication
LE-S-132	Signal	US 27	North Lake Plaza	\$1,369.00	Yes	On the FDOT system, interconnected with Telecommunication
LE-S-133	Signal	US 27	GRIFFIN RD	\$1,369.00	Yes	On the FDOT system, interconnected with Telecommunication
LE-S-068	Signal	US 441	COLLEGE DR	\$1,369.00	Yes	On the FDOT system, interconnected with Telecommunication
LE-S-069	Signal	US 441	CR 44	\$1,369.00	Yes	On the FDOT system, interconnected with Telecommunication
LE-S-070	Signal	US 441	CR 473	\$1,369.00	Yes	On the FDOT system, interconnected with Telecommunication
LE-S-073	Signal	US 441	LAKES BV	\$1,369.00	Yes	On the FDOT system, interconnected with Telecommunication
LE-S-074	Signal	US 441	LAKE SQUARE MALL	\$1,369.00	Yes	On the FDOT system, interconnected with Telecommunication
LE-S-076	Signal	US 441	RADIO RD	\$1,369.00	Yes	On the FDOT system, interconnected with Telecommunication
LE-S-143	Signal	US 441	CITIZENS BV	\$1,369.00	Yes	On the FDOT system, interconnected with Telecommunication
LE-S-144	Signal	US 441	PERKINS ST	\$1,369.00	Yes	On the FDOT system, interconnected with Telecommunication
LE-S-148	Signal	US 441	SR 44 (Dixie AV)	\$1,369.00	Yes	On the FDOT system, interconnected with Telecommunication
LE-S-364	Signal	US 441	US 27 Connector	\$1,369.00	Yes	On the FDOT system, interconnected with Telecommunication
TOTAL EXHIBIT B				\$19,166.00		

	Intersection ID#				DATE:
	Intersection Name	YES	NO	Interval	REMARKS
1	Verify network connection from TMC			Weekly	Trouble shoot and repair as needed.
2	Verify ethernet switch connection from TMC.			Daily	Adjust/repair/replace as needed.
3	Verify camera operation and position.			Daily	Adjust/repair/replace as needed.
4	Verify and repair Lake County and FDOT fiber infustructure.			As needed.	
5	Locate the Lake County and FDOT fiber infustructure and signal infustructure in the field from 811 Sunshine requests.			When requested	Utility locator \$4,500.
6	Purchase and maintain licensing for Advance Traffic Management software.			Upgrade as needed.	Cost of next upgrade \$70,000.
7	Purchase Ethernet switch for traffic signal cabinet, each.			When setting up and replacement.	\$1,400
8	Purchase and installation cameras, each.			When setting up and replacement.	\$7,500
9	Purchase and installation wireless radio communication. Each link.			When setting up and replacement.	\$1,200
10	Purchase video monitor for viewing cameras.			When setting up and replacement.	\$1,000
11	Purchase video monitoring software. Ungrade needed with the next camera installation.			When setting up and replacement.	\$2,500
12	Purchase and maintain incidental: fiber jumpers, Ethernet cable, SFPs etc.			As needed.	
13					



AGENDA MEMORANDUM

Item No: 5.C.6.

Meeting Date: February 22, 2016

From: Jim Lemberg – Manager, Communications Utility

Subject: Resolution accepting and approving a utility easement from Storage Unlimited Property Owners' Association, Inc.

Staff Recommendation:

Staff recommends approval of a resolution accepting and approving a utility easement from Storage Unlimited Property Owners' Association, Inc., pertaining to land located in Mount Dora.

Analysis:

At its December 7, 2015 meeting Commission approved an interlocal agreement between the City and Lake County under which the City agreed to provide certain communications services to the County. One such service was a circuit serving a County site located in Mount Dora, Florida. This easement will allow the City's Communications Utility to deploy underground fiber optic cable to that site.

Options:

1. Approve the resolution, or
2. Such alternative action as the Commission may deem appropriate

Fiscal Impact:

No fiscal impact.

Submission Date and Time: 2/18/2016 2:36 PM

Department: <u>IT/Communications</u>	Reviewed by: Dept. Head _____	Account No. <u>n/a</u>
Prepared by: <u>Jim Lemberg</u>	Finance Dept. _____	Project No. <u>n/a</u>
Attachments: Yes <u>X</u> No _____	Deputy C.M. _____	WF No. <u>n/a</u>
Advertised: <u>Not Required</u> <u>X</u>	Submitted by: _____	Budget <u>n/a</u>
Dates: <u>n/a</u>	City Manager _____	Available <u>n/a</u>
Attorney Review: Yes <u>X</u> No _____		
<u>Revised 6/10/04</u>		

RESOLUTION NO. _____

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF
LEESBURG, FLORIDA ACCEPTING AND APPROVING A
UTILITY EASEMENT FROM STORAGE UNLIMITED
PROPERTY OWNERS' ASSOCIATION, INC., TO THE CITY OF
LEESBURG, FLORIDA, FOR PROPERTY LOCATED IN TRACT
A, STORAGE UNLIMITED PHASE TWO, LAKE COUNTY,
FLORIDA; AND PROVIDING AN EFFECTIVE DATE.

**BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LEESBURG,
FLORIDA THAT:**

The City of Leesburg, Florida, does hereby accept from Storage Unlimited Property Owners' Association, Inc., a Utility Easement, recorded on February 4, 2016, in Official Records Book 4737, Pages 1192-1194, Public Records of Lake County, Florida, conveying certain real property located in Tract A, Storage Unlimited Phase Two, Lake County, Florida, and more particularly described in said Utility Easement, to the City of Leesburg.

THIS RESOLUTION shall become effective upon its passage and adoption according to law.


PASSED AND ADOPTED at the regular meeting of the City Commission of the City of Leesburg, Florida, held on the twenty-second day of February, 2016.

THE CITY OF LEESBURG

By: _____
Mayor

ATTEST:

City Clerk

 THIS INSTRUMENT PREPARED BY & RETURN TO:
Fred A. Morrison
McLin Burnsed P.A.
Post Office Box 491357
Leesburg, Florida 34749-1357

Utility Easement

RESERVED FOR RECORDING

THIS EASEMENT given the 28 day of JANUARY, 2016, by STORAGE UNLIMITED PROPERTY OWNERS' ASSOCIATION, INC., whose address is 2180 West SR 434, Suite 5000, Longwood, FL 32779, hereafter referred to as Grantor, to THE CITY OF LEESBURG, FLORIDA, whose address is P.O. Box 490630, Leesburg, FL 34749-0630, hereafter referred to as Grantee,

WITNESSETH:

That for and in consideration of the sum of \$1.00 and other good and valuable considerations, in hand paid and tendered unto Grantor, receipt whereof is hereby acknowledged, Grantor does hereby grant, bargain, sell, convey and confirm unto Grantee, its successors and assigns forever, a perpetual easement over and across the following described real property:

AS DESCRIBED ON EXHIBIT "A" ATTACHED

for the purpose of construction, installation, repair, maintenance, replacement and improvement of underground or above ground fiber optics and telecommunications lines and associated equipment. If Grantee damages any surface improvements in its use of this easement, it shall repair any such damage at its expense, and restore the improvements to substantially the same condition they were in prior to the damage. Grantee is also given an irrevocable license, for so long as this Easement remains in effect, to cross the adjoining real property owned by Grantor, for the purpose of conducting any activities permitted by this Easement provided that such right of passage shall not interfere substantially with Grantor's use of its adjoining property.

TO HAVE AND TO HOLD unto Grantee, its successors and assigns forever. Grantor does hereby warrant the title to the interests conveyed to Grantee hereunder and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has set his or her hand and seal the day and year first above written. As used herein, the term "Grantor" shall refer to that person, or those persons, so named above, and shall be interpreted as being singular or plural, and shall be considered to have the person, number and gender appropriate to the context of the named individuals or entities.

WITNESSES (two required)

GRANTOR: STORAGE UNLIMITED
PROPERTY OWNERS' ASSOCIATION, INC.

Cassie Wilson
Cassie Wilson
(Type or print name of Witness)

BY: Michael Rosenberg
MICHAEL ROSENBERG, President

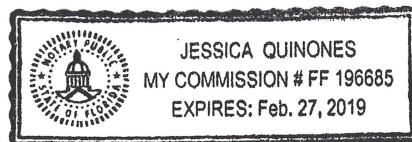
Jessie Quinones
Jessica Quinones
(Type or print name of witness)

STATE OF FLORIDA
COUNTY OF LAKE

BEFORE ME, the undersigned Notary Public, personally appeared Michael Rosenberg, as President of Storage Unlimited Property Owners' Association, Inc., who acknowledged before me that he executed this instrument on the 28 day of JANUARY, 2016, and who was either ☐ personally known to me, or who ☒ produced a FLORIDA DRIVERS License as identification.

Jessie Quinones
NOTARY PUBLIC
Jessica Quinones
Type or print name of Notary

FF196685
Commission Number
Feb. 27, 2019
Commission expiration date



SKETCH AND DESCRIPTION

PROPOSED UTILITY EASEMENT

DESCRIPTION:

A 10.00 FEET WIDE UTILITY EASEMENT BEING IN A PORTION OF TRACT "F" STORAGE UNLIMITED PHASE TWO ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 53 PAGE 35 THROUGH 36, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF LOT 39 OF STORAGE UNLIMITED PHASE TWO, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 53, PAGE 35 THROUGH 36, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA AND THE WEST RIGHT OF WAY LINE OF ROSSITER STREET; THENCE RUN S. 88°19'00" W., ALONG THE NORTH LINE OF SAID LOT 39, 73.00 FEET THENCE RUN N. 01°41'00" W., 10.00 FEET; THENCE RUN N. 88°19'00" E., PARALLEL TO THE NORTH LINE OF SAID LOT 39 73.00 FEET TO THE WEST RIGHT OF WAY LINE OF AFOREMENTIONED ROSSITER STREET; THENCE RUN S. 01°41'00" E., ALONG SAID WEST LINE 10.00 FEET TO THE POINT OF BEGINNING.

NOTES:

- 1) THIS IS A SKETCH FOR DESCRIPTIVE PURPOSE ONLY AND IS NOT A BOUNDARY SURVEY.
- 2) UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF FLORIDA LICENSED SURVEYOR AND MAPPER, THIS MAP/REPORT IS FOR INFORMATIONAL PURPOSE ONLY AND IS NOT VALID.

STORAGE UNLIMITED LOT 4 & 5
PLAT BOOK 59 PAGE 27-28

LOT 5C LOT 5B LOT 5A

75' EASEMENT OFFICIAL RECORDS BOOK 2519 PAGE 548

10' UTILITY EASEMENT

10' UTILITY EASEMENT

TRACT "A"
STORAGE UNLIMITED PHASE TWO
PLAT BOOK 53 PAGE 35-36

NORTH LINE LOT 39

LOT 39
STORAGE UNLIMITED PHASE TWO
PLAT BOOK 53 PAGE 35-36

LOT 40

LOT 50

SURVEYORS CERTIFICATION: I HEREBY CERTIFY TO :
CITY OF LEESBURG

THAT THE SKETCH AND DESCRIPTION, AS REFLECTED HEREON, WAS PERFORMED UNDER MY RESPONSIBLE SUPERVISION AND DIRECTION, AND MEETS THE MINIMUM TECHNICAL STANDARDS RULE SJ-17.052.

LEGEND:

POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT

S. B. Wiley 01/21/16
STEVEN B. WILEY DATE
FLORIDA PROFESSIONAL SURVEYOR & MAPPER
CERTIFICATE NUMBER 5951

REVISED EASEMENT LOCATION 01-21-16

DRAWN BY: SBW	DATE: 01/15/2016
CHECKED BY: SBW	DRAWING NO.: A-10
JOB NO.: 16002	SHEET 1 OF 1

WILEY SURVEYING AND MAPPING INC.

11929 GARRISON LANE
UMATILLA, FLORIDA 32784
PHONE: (352) 669-6046 PROFESSIONAL SURVEYORS AND MAPPERS
(352) 267-2364
WILEYSURVEYING@GMAIL.COM



AGENDA MEMORANDUM

Item No: 5.C.7.

Meeting Date: February 22, 2016

From: Jim Lemberg, Manager, Communications Utility

Subject: Resolution authorizing a Bill of Sale transferring several unused concrete poles to Lake County Schools.

Staff Recommendation:

Staff recommends approval of a resolution authorizing execution of a Bill of Sale transferring several unused concrete poles to Lake County Schools.

Analysis:

In 2004, the City's Communications Utility deployed concrete poles to several Lake County Schools sites in order to provide wireless communications services as back-up to other City-provided fiber-based communications services to those sites. The Utility discontinued providing those wireless back-up services several years ago because the bandwidth supported by those specific wireless technologies no longer provided adequate back-up to the primary communications services being delivered to those sites.

The Schools' IT staff has developed a plan to deploy its own wireless technologies to various of its sites as an emergency communications system. The Schools' IT staff – knowing that the City's Communications Utility was no longer using the concrete poles that had been originally deployed in 2004 – inquired if the Utility would have any interest in transferring ownership of some of the poles to the Schools.

The poles were originally procured against a performance requirement of wireless communication between specific School sites. The end-result is that the poles are not situated to support other communications needs that the Utility currently has or may have in the foreseeable future.

If the Utility were to identify its own need to use the poles at other sites, it conservatively estimates that it could spend between \$5,000 and \$10,000 per pole to move each pole.

Thus, the Utility concludes that it has no foreseeable use for the poles.

Options:

1. Approve the resolution, or
2. Such alternative action as the Commission may deem appropriate

Fiscal Impact:

Lake County Schools will pay the City \$100 per pole, for a total of \$600.

Submission Date and Time: 2/18/2016 2:36 PM

Department: <u>IT/Communications</u> Prepared by: <u>Jim Lemberg</u> Attachments: Yes <u>X</u> No <u> </u> Advertised: <u> </u> Not Required <u>X</u> Dates: <u>n/a</u> Attorney Review : Yes <u>X</u> No <u> </u> <u> </u> Revised 6/10/04	Reviewed by: Dept. Head <u> </u> Finance Dept. <u> </u> Deputy C.M. <u> </u> Submitted by: City Manager <u> </u>	Account No. <u>045-00000-369-0900</u> Project No. <u>n/a</u> WF No. <u>n/a</u> Budget <u>n/a</u> Available <u>n/a</u>
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RESOLUTION NO. _____

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA APPROVING THE TRANSFER TO THE SCHOOL BOARD OF LAKE COUNTY, FLORIDA OF POLES PLACED BY THE COMMUNICATIONS UTILITY AT MOUNT DORA HIGH SCHOOL, EUSTIS HIGH SCHOOL, UMATILLA HIGH SCHOOL, SOUTH LAKE HIGH SCHOOL, VILLAGES ELEMENTARY SCHOOL, AND LAKE TECHNICAL CENTER, FOR A PRICE OF \$100.00 PER POLE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Leesburg's Communications Utility from time to time utilizes above ground utility poles, to facilitate the provision of its services, and

WHEREAS, the Communications Utility has provided service, to various school and administrative sites, for the School Board of Lake County, Florida, and

WHEREAS, in the course of providing those services the Communications Utility has placed a number of above ground poles on school sites throughout Lake County, which it no longer requires, and

WHEREAS, the Communications Utility is willing to convey those poles to the School Board, for a price of \$100.00 per pole, and the School Board is willing to accept that conveyance at that price,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA:

THAT the Mayor and City Clerk are authorized and directed to execute in favor of the School Board of Lake County, Florida, a Bill of Sale conveying to the School Board the following poles placed by the Communications Utility: a 95-foot concrete pole at Mount Dora High School, a 95-foot concrete pole at Eustis High School, a 95-foot concrete pole at Umatilla High School, a 95-foot concrete pole at South Lake High School, a 55-foot concrete pole at Villages Elementary School, and a 95-foot concrete pole at Lake Technical Center; which shall be delivered to the School Board upon receipt by the City of consideration in the amount of \$100.00 per pole. This conveyance shall transfer the poles in their as-is condition, without any warranties or representations (whether express or implied) by or on behalf of the City regarding their physical condition, suitability or fitness for any particular purpose, or otherwise, with the School Board to assume all liability and responsibility for the poles on and after the date the Bill of Sale is signed.

THIS RESOLUTION shall take effect immediately upon its passage and adoption in accordance with applicable law.

PASSED AND ADOPTED at the regular meeting of the City Commission of the City of Leesburg, Florida, held on the twenty-second day of February, 2016.

THE CITY OF LEESBURG, FLORIDA

BY: _____
JAY HURLEY, Mayor

ATTEST:

J. ANDI PURVIS, City Clerk

BILL OF SALE

KNOW ALL MEN BY THESE PRESENTS that THE CITY OF LEESBURG, FLORIDA, Seller, for and in consideration of the sum of \$100.00 per pole described below, and other good and valuable considerations, to Seller in hand paid, receipt whereof is hereby acknowledged, does hereby grant, bargain, sell, transfer and deliver unto THE SCHOOL BOARD OF LAKE COUNTY, FLORIDA, Buyer, and Buyer's successors and assigns, the following goods and chattels:

95-foot concrete pole at Mount Dora High School
95-foot concrete pole at Eustis High School
95-foot concrete pole at Umatilla High School
95-foot concrete pole at South Lake High School
55-foot concrete pole at Villages Elementary School
95-foot concrete pole at Lake Technical Center

TO HAVE AND TO HOLD unto Buyer, and Buyer's successors and assigns, forever. Seller hereby covenants that Seller is the lawful owner of the property conveyed hereby, that the property is free and clear of all liens and encumbrances, that Seller has the right to convey and sell the property, and that Seller will warrant and defend the title to the property against the lawful claims of all persons whomsoever claiming by, through, under or against Seller.

This Bill of Sale is intended to, and shall, transfer the poles in their as – is condition, without any warranties or representations (whether express or implied) by or on behalf of the Seller regarding their physical condition, suitability or fitness for any particular purpose, or otherwise, with the Buyer to assume all liability and responsibility for the poles on and after the date this Bill of Sale is signed.

IN WITNESS WHEREOF, Seller has executed this instrument, or has caused it to be executed by its Mayor and City Clerk, this twenty-second day of February, 2016.

THE CITY OF LEESBURG, FLORIDA

BY: _____
JAY HURLEY, Mayor

Attest: _____
ANDI PURVIS, City Clerk

APPROVED AS TO FORM AND CONTENT:

CITY ATTORNEY



AGENDA MEMORANDUM

Item No: 6A.

Meeting Date: February 22, 2016

From: Dan Miller, Planning & Zoning Manager

Subject: Ordinance for annexation of 7.17 +/- acres on Poe Road, west of Radio Road (Backich No. 2 LLC/Lake Nissan)

Staff Recommendation

The Planning and Zoning staff recommends **disapproval** of the proposed ordinance for annexation of 7.17 +/- acres for Bakich No. 2 LLC/Lake Nissan.

Analysis

The applicant has submitted a request for annexation of approximately 7.17 acres of land generally located on the south side of Poe Road, west of Radio Road, as shown on the attached General Location Map. The property is agricultural in nature and adjacent to single family uses. The current zoning is Lake County A (Agriculture) and the proposed zoning is City (SPUD Small Planned Unit Development). The proposed use is for automotive parking and detailing. The property is surrounded by residential and agricultural uses.

Staff and Planning Commission's recommendations for disapproval are based on significant inconsistencies with the City of Leesburg's Comprehensive Plan (adopted by City Commission in 2012) and the potential for a spot zoning, as shown on the recommendations for the Small Scale Comp Plan amendment and SPUD (Small Planned Unit Development) rezoning applications related to this request for annexation. Although the property lies within the ISBA (Inter-local Service Boundary Area) agreement between the City of Leesburg and Lake County, it's location is in an area that is unlikely to annex southward into the City of Leesburg's existing municipal limits.

Also, on this City Commission agenda is a Small Scale Comprehensive Plan Amendment and a rezoning application for this property with recommendations for **disapproval** from the staff and Planning Commission.

The Planning Commission held a public hearing on this request on December 17, 2015 and by a vote of 7-0 recommended **disapproval**.

Options

1. Approve the requested annexation. This would give the City jurisdiction over the use and future development of the subject site and provide for the application of City standards to this property.
2. Disapprove the proposed annexation and allow the property to remain in the County.

Fiscal Impact

A small positive fiscal impact is possible from the annexation and development of this property due to increased tax revenues added to the General Fund.

Submission Date and Time: 2/18/2016 2:36 PM

Department: <u>Community Development</u> Prepared by: <u>Dan Miller, P&Z Manager</u> Attachments: Yes <input type="checkbox"/> No <input type="checkbox"/> Advertised: <input type="checkbox"/> Not Required <input type="checkbox"/> Dates: _____ Attorney Review : Yes <input type="checkbox"/> No <input type="checkbox"/> _____ Revised 6/10/04	Reviewed by: Dept. Head _____ Finance Dept. _____ Deputy C.M. _____ MWR Submitted by: _____ City Manager _____	Account No. _____ Project No. _____ WF No. _____ Budget _____ Available _____
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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA ANNEXING CERTAIN REAL PROPERTY CONSISTING OF APPROXIMATELY 7.17 ACRES AND BEING GENERALLY LOCATED ON THE SOUTH SIDE OF POE ROAD, WEST OF RADIO ROAD, LYING IN SECTION 3, TOWNSHIP 19 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA, PROVIDING THAT SAID PROPERTY SO ANNEXED SHALL BE LIABLE FOR ITS PROPORTIONATE SHARE OF THE EXISTING AND FUTURE INDEBTEDNESS OF SAID CITY; PROVIDING THAT SUCH ANNEXED PROPERTY SHALL BE SUBJECT TO ALL LAWS AND ORDINANCES OF SAID CITY AS IF ALL SUCH TERRITORY HAD BEEN A PART OF THE CITY OF LEESBURG AT THE TIME OF PASSAGE AND APPROVAL OF SAID LAWS AND ORDINANCES; PROVIDING THAT SUCH ANNEXED TERRITORY SHALL BE PLACED IN CITY COMMISSION DISTRICT 1; AND PROVIDING AN EFFECTIVE DATE (Bakich No. 2 LLC/Lake Nissan).

BE IT ENACTED BY THE PEOPLE OF THE CITY OF LEESBURG, FLORIDA, that:

Section 1.

Based upon the petition of Greg Beliveau on behalf of Bakich No. 2 LLC, for the property hereinafter described, in Lake County, Florida, that the property hereinafter described be annexed to the city limits of the City of Leesburg, Florida, which petition has heretofore been approved by the City Commission of the City of Leesburg, Florida, pursuant to the provisions of the Laws of Florida, the hereinafter described property is hereby annexed and made a part of the city limits of the City of Leesburg, Florida. The subject property lying and situate in Lake County, Florida, is more particularly described as:

Legal Description
(See EXHIBIT A)

Section 2.

All of the property, real and personal, within said annexed territory, described in Section 1 above, as provided by this ordinance, and the inhabitants thereof, shall be subject to the government, jurisdiction, powers, franchises, duties, and privileges of the City of Leesburg, Florida, and the said annexed property shall be liable, proportionately, for all of the present outstanding and existing, as well as future, indebtedness of the City of Leesburg, Florida; that all of the ordinances of the City of Leesburg, and all laws heretofore passed by the Legislature of the State of Florida relating to and which now or hereafter constitute its Charter, shall apply to and have the same force and effect on such annexed territory as if all such annexed territory had been a part of the City of

Leesburg, Florida, at the time of the passage and approval of said laws and ordinances. The property annexed hereby is assigned to City Commission District 1.

Section 3.

This ordinance shall become effective immediately upon approval at second reading.

PASSED AND ADOPTED at the regular meeting of the City Commission of the City of Leesburg, Florida, held on the 22nd day of February, 2016.

THE CITY OF LEESBURG

By: _____
Jay Hurley, Mayor

ATTEST:

J. Andi Purvis, City Clerk

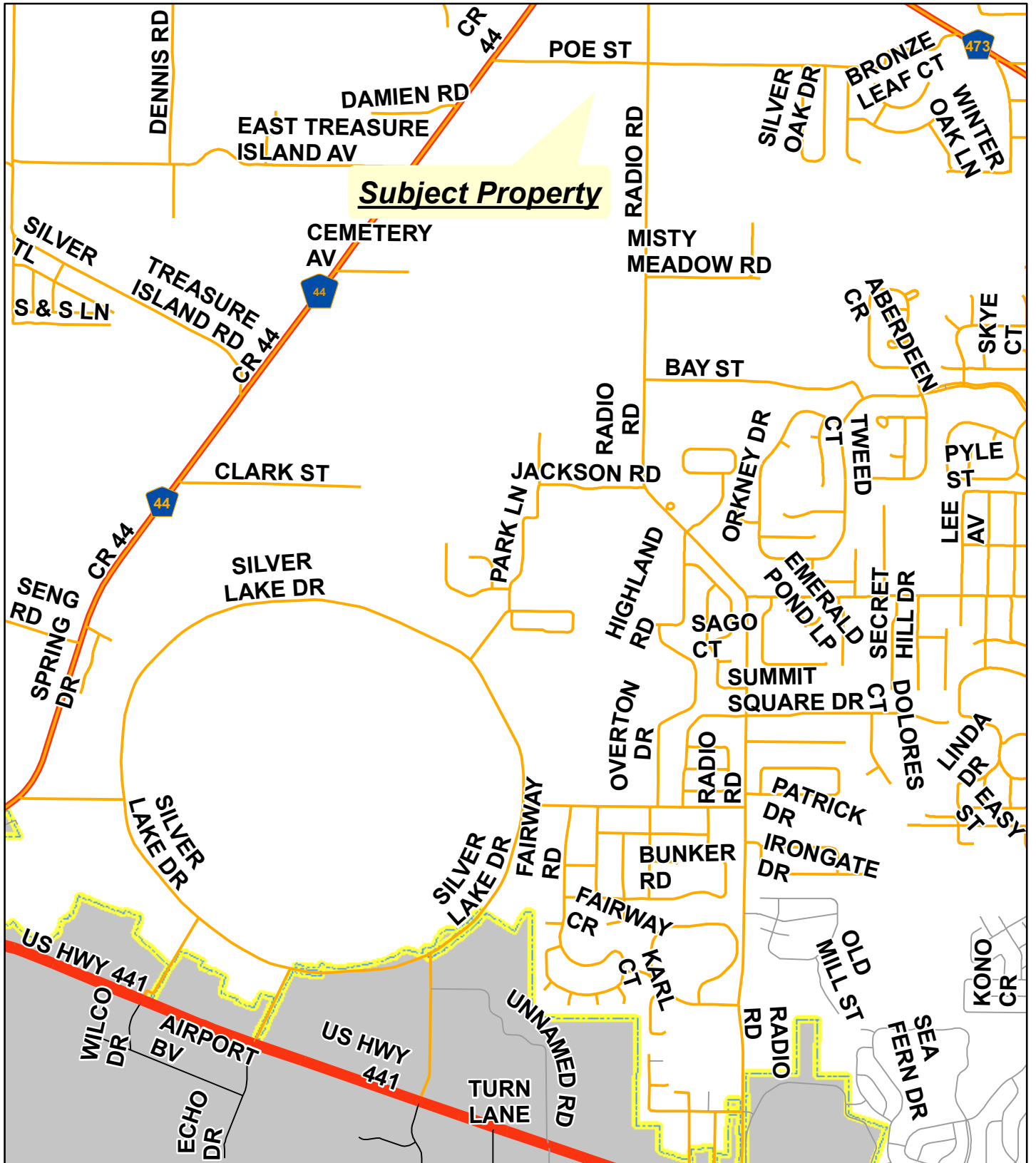
EXHIBIT A

LEGAL DESCRIPTION

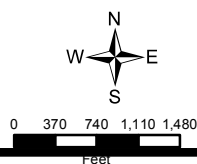
**LEGAL DESCRIPTION
BAKICH NO 2 LLC**

The West 495 feet of the East 5/8 of the North ½ of the SE ¼ of the SE ¼ of Section 3, Township 19 South, Range 25 East in Lake County, Florida; less and except the North 33 feet thereof, conveyed to Lake County by Statutory Warranty Deed recorded in O.R. Book 1441, Page 257, Public Records of Lake County, Florida.

Location

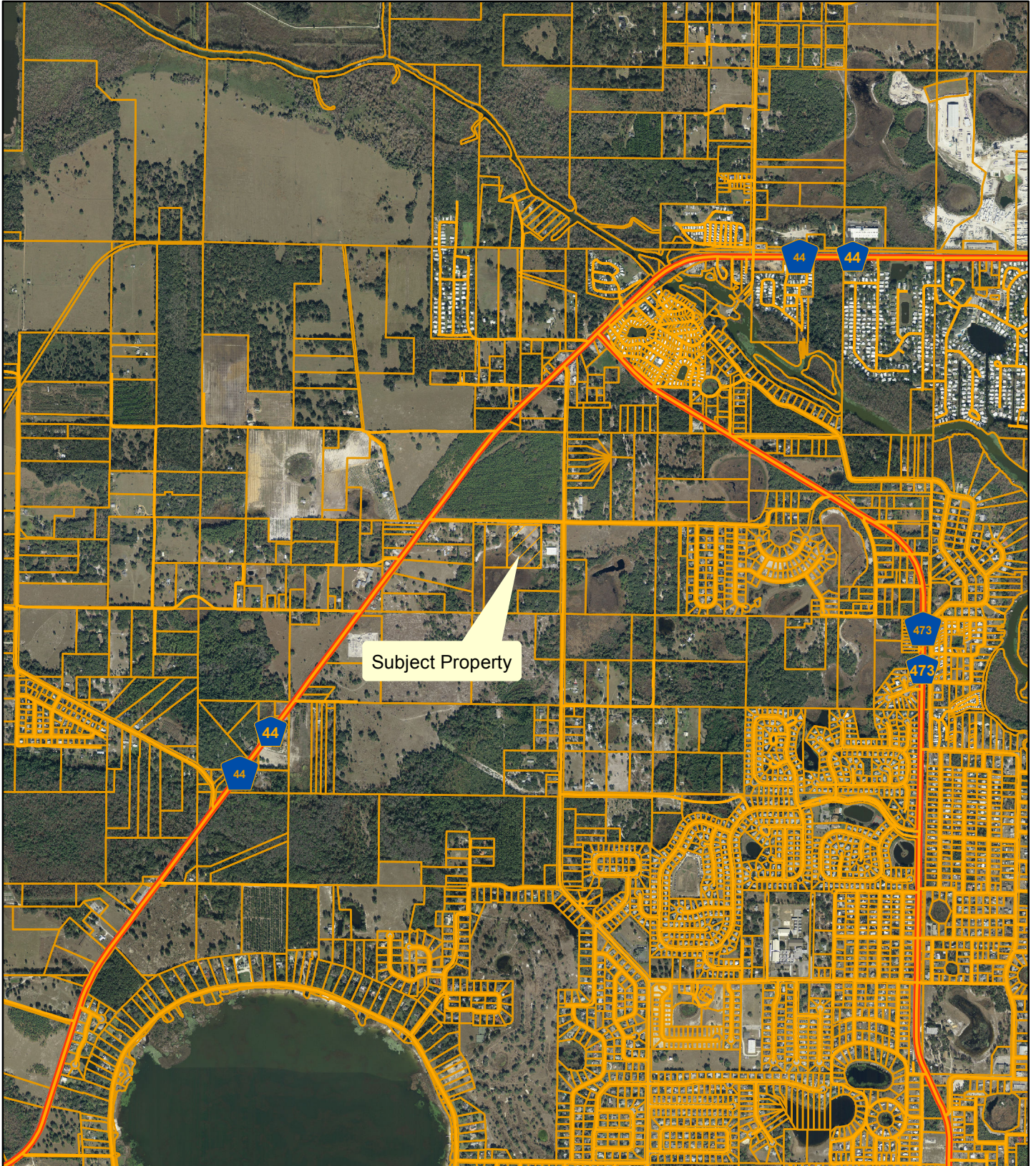


**Planning
& Zoning
Division**

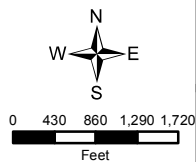


RZ 15-103
Lake Nissan Storage
approximately 2.6 miles from current city limits
Sec 3 Twp 19 Rge 25

Aerial

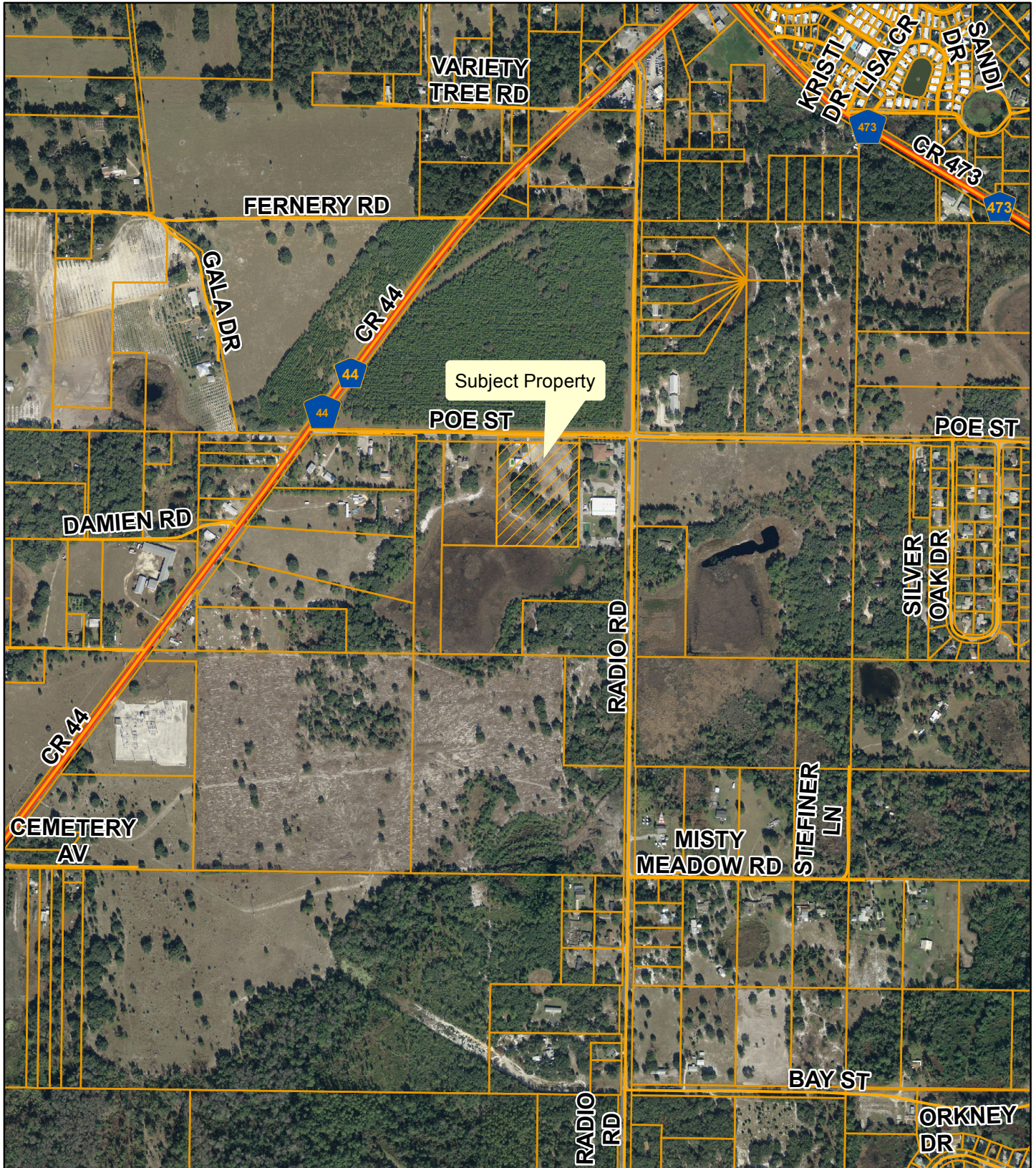


**Planning
& Zoning
Division**

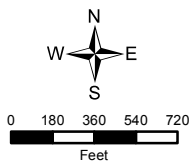


**ANNX-15-101, SSCP-15-102, RZ-15-103
Bakich-Lake Nissan
Leesburg, Florida
Sec 3 Twp 19 Rge 25**

Aerial

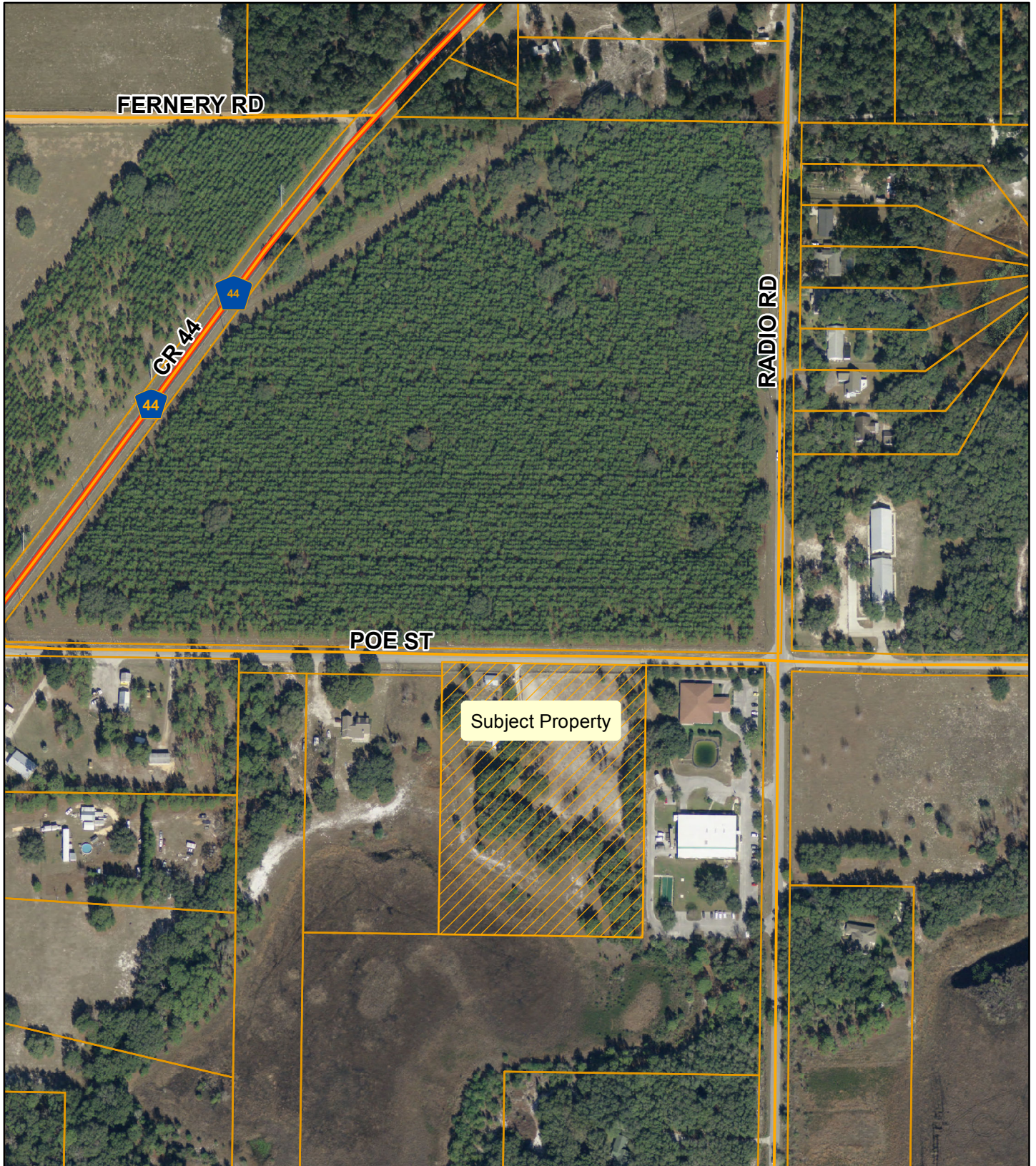


**Planning
& Zoning
Division**

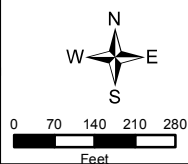


ANNX-15-101, SSCP-15-102, RZ-15-103
Bakich-Lake Nissan
Leesburg, Florida
Sec 3 Twp 19 Rge 25

Aerial

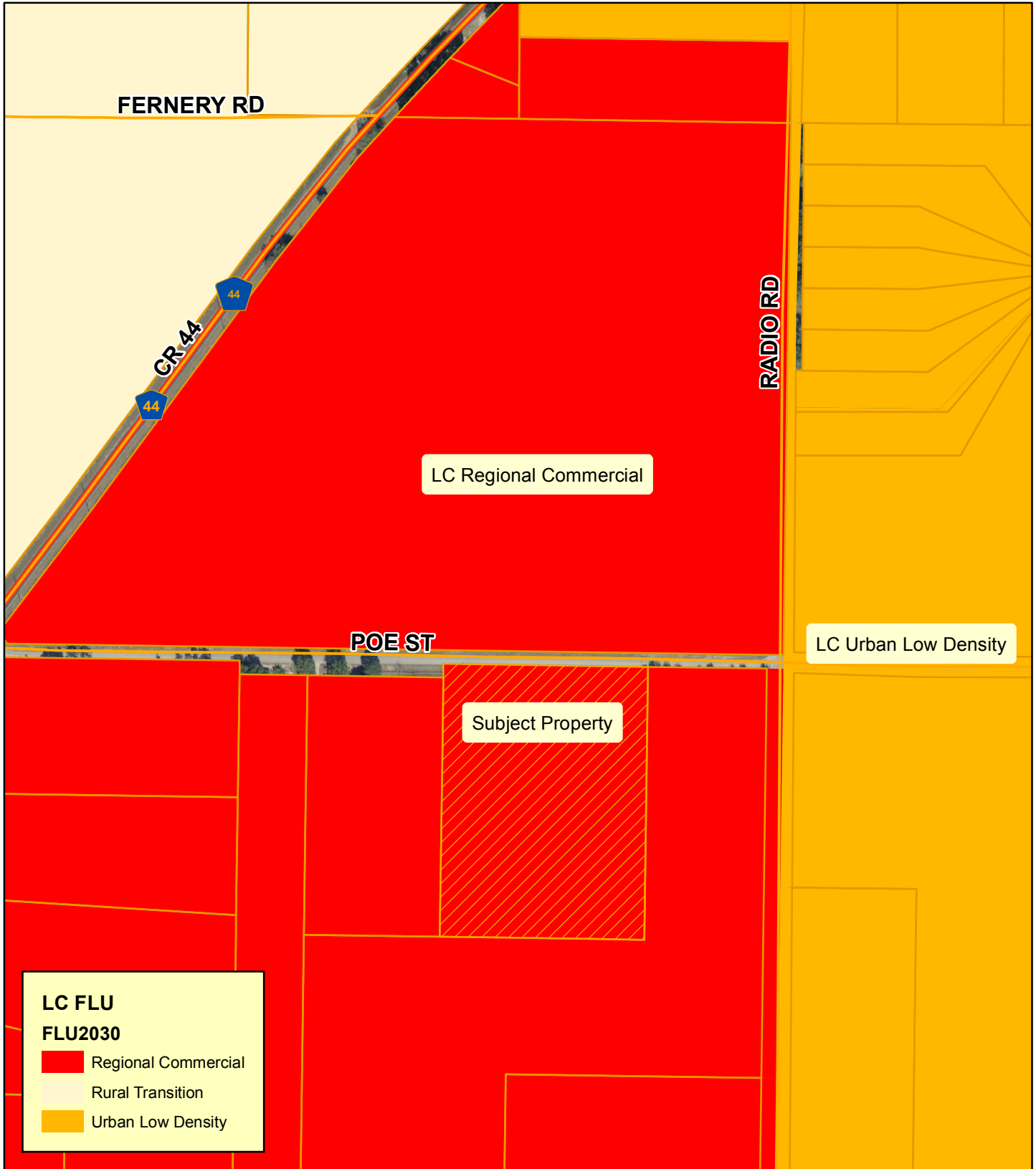


**Planning
& Zoning
Division**

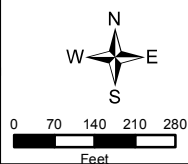


ANNX-15-101, SSCP-15-102, RZ-15-103
Bakich-Lake Nissan
Leesburg, Florida
Sec 3 Twp 19 Rge 25

Future Land Use

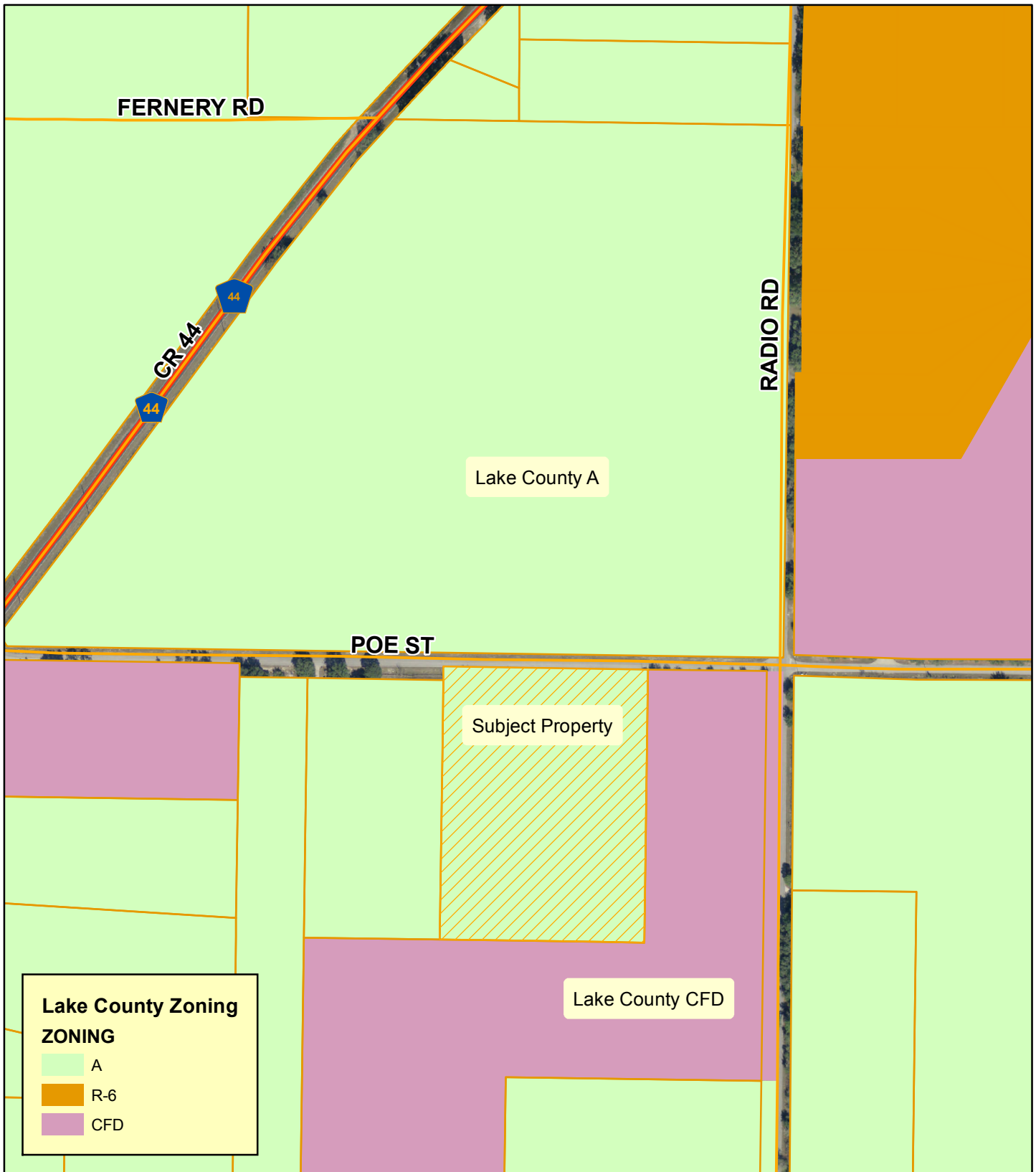


**Planning
& Zoning
Division**

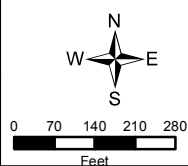


**ANNX-15-101, SSCP-15-102, RZ-15-103
Bakich-Lake Nissan
Leesburg, Florida
Sec 3 Twp 19 Rge 25**

Zoning



**Planning
& Zoning
Division**

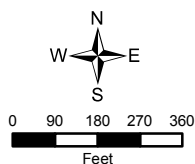


ANNX-15-101, SSCP-15-102, RZ-15-103
Bakich-Lake Nissan
Leesburg, Florida
Sec 3 Twp 19 Rge 25

Surrounding Land Uses

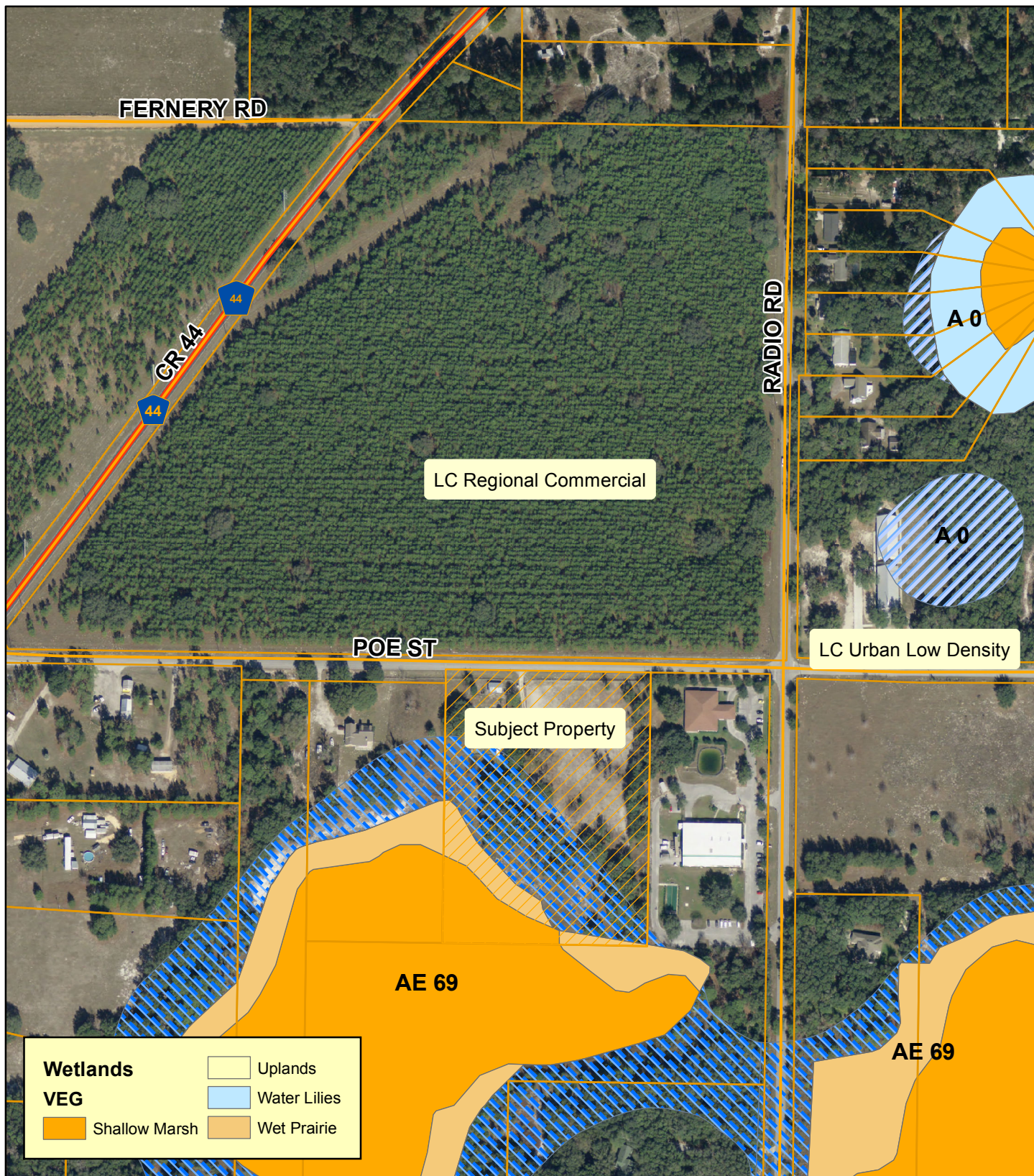


**Planning
& Zoning
Division**

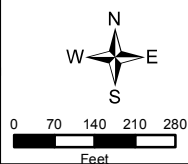


ANNX-15-101, SSCP-15-102, RZ-15-103
Bakich-Lake Nissan
Sec 3 Twp 19 Rge 25
 Surrounding Land Use data provided by
 Lake County Property Appraiser

Wetlands and Flood Zones



**Planning
& Zoning
Division**



ANNX-15-101, SSCP-15-102, RZ-15-103
Bakich-Lake Nissan
Leesburg, Florida
Sec 3 Twp 19 Rge 25



View of subject property looking south from Poe Road.



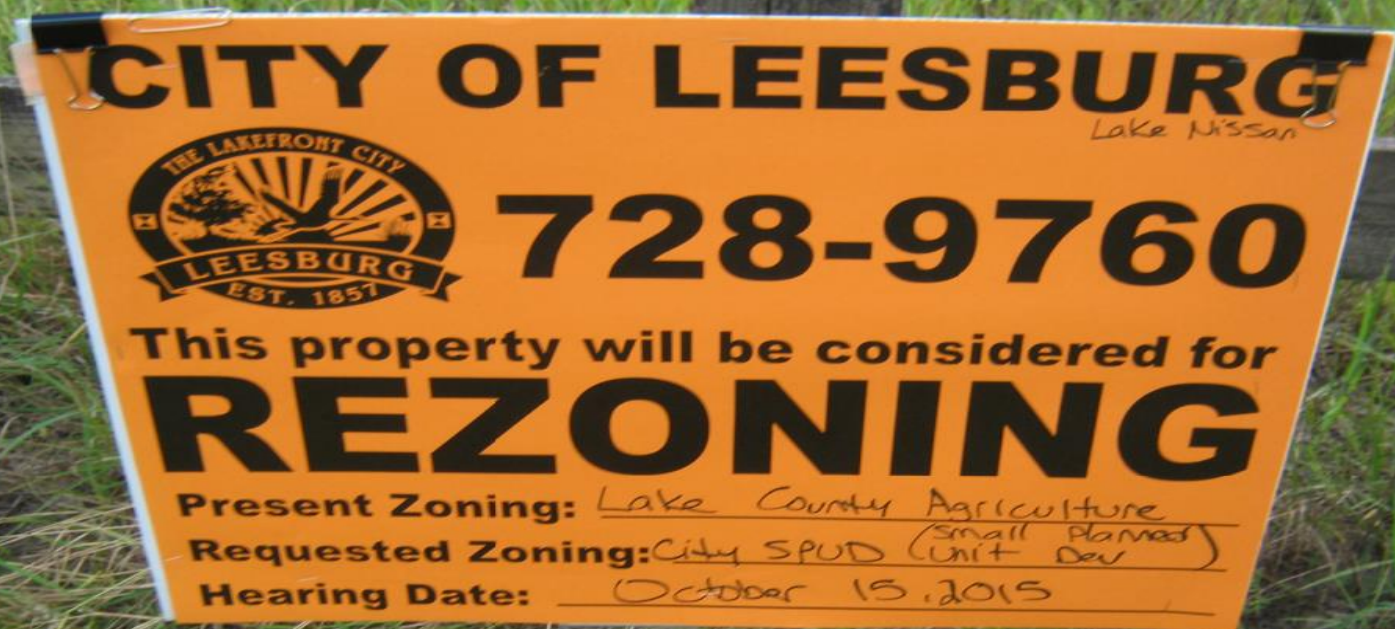
View of adjacent property to the north



View of Poe Road looking west, subject property on the left.



View of Poe Road looking east, subject property on the right.



Zoning sign posted on the property.



AGENDA MEMORANDUM

Item No: 6B.

Meeting Date: February 22, 2016

From: Dan Miller, Planning and Zoning Manager

Subject: Ordinance for a small scale comprehensive plan Future Land Use Map amendment on 7.17 +/- acres on Poe Road, west of Radio Road (Bakich No. 2 LLC/Lake Nissan)

Staff Recommendation

The Planning and Zoning staff recommends **disapproval** of the proposed ordinance for a small comprehensive plan Future Land Use Map amendment of 7.17 +/- acres for Bakich No. 2 LLC/Lake Nissan.

Analysis

The applicant has submitted a request for a small scale comprehensive plan amendment for a 7.17 +/- acre tract generally located on the south side of Poe Road, and west of Radio Road, as shown on the attached General Location Map. The proposed use is for automotive parking and detailing.

The current future land use for the property is Lake County Regional Commercial and the proposed future land use is City General Commercial. The property is agricultural in nature and is adjacent to single family residential. Staff and Planning Commission's recommendations for disapproval is based on significant inconsistencies with the City of Leesburg's Comprehensive Plan (adopted by City Commission in 2012) and the potential for a spot zoning, as shown on the recommendations for the Annexation and SPUD (Small Planned Unit Development) rezoning applications related to this request. Although the property lies within the ISBA (Inter-local Service Boundary Area) agreement between the City of Leesburg and Lake County, it's location is in an area that is unlikely to annex southward into the City of Leesburg's existing municipal limits.

The project site is ten (10) or less acres and is, therefore, considered a small-scale comprehensive land use plan amendment. The City will notify the Florida Department of Economic Opportunity (FDEO) of the plan amendment and the Department will review the project site area to confirm that it is ten (10) acres or less. At that time, the Department will determine that it is a local issue and not subject to Department review.

The Planning Commission held a public hearing on the application on December 17, 2015 and by a vote of 7 to 0, recommended **disapproval**.

Also, on this City Commission agenda is an application for Annexation and a rezoning to SPUD (Small Planned Unit Development) with recommendations for **disapproval** from the staff and Planning Commission.

Options:

1. Approve the requested small scale comprehensive plan map amendment from Lake County Regional Commercial to City General Commercial.
2. Disapprove the proposed small scale comprehensive plan map amendment from Lake County Regional Commercial to City General Commercial and allow the property to remain in the County.

Fiscal Impact

A small positive fiscal impact may occur if the subject property is annexed and developed; however, there is no fiscal impact directly related to this specific amendment.

Submission Date and Time: 2/18/16 2:37 PM

Department: Community Development Prepared by: Dan Miller P&Z Manager Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Advertised: <input type="checkbox"/> Not Required <input type="checkbox"/> Dates: _____ Attorney Review : Yes <input type="checkbox"/> No <input type="checkbox"/> _____ Revised 6/10/04	Reviewed by: Dept. Head _____ Finance Dept. _____ Deputy C.M. _____ MWR Submitted by: City Manager _____	Account No. _____ Project No. _____ WF No. _____ Budget _____ Available _____
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ORDINANCE NO. _____

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN FOR THE CITY OF LEESBURG, FLORIDA CHANGING THE FUTURE LAND USE MAP DESIGNATION OF CERTAIN PROPERTY CONTAINING APPROXIMATELY 7.17 ACRES, BEING GENERALLY LOCATED ON THE SOUTH SIDE OF POE ROAD AND WEST OF RADIO ROAD, LYING IN SECTION 3, TOWNSHIP 19 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA, FROM LAKE COUNTY REGIONAL COMMERCIAL TO CITY OF LEESBURG GENERAL COMMERCIAL; AND PROVIDING AN EFFECTIVE DATE. (Bakich No. 2, LLC/Lake Nissan)

WHEREAS, the City Commission has received written objections, recommendations, and comments from the City of Leesburg Planning Commission acting as the Local Planning Agency, regarding amendment of the Comprehensive Plan of the City of Leesburg, and has made recommendations to the City Commission for amendment of the Plan; and

WHEREAS, the City Commission of the City of Leesburg has held public hearings on the proposed amendment to the plan, in light of written comments, proposals and objections from the general public;

NOW, THEREFORE,

BE IT ENACTED BY THE PEOPLE OF THE CITY OF LEESBURG, FLORIDA,
that:

Section 1.

The Growth Management Plan of the City of Leesburg, adopted by the City of Leesburg on December 10, 2012, pursuant to the Community Planning Act of 2011, Chapter 163, Part II, Florida Statutes, after public hearings by the City of Leesburg Planning Commission, is hereby amended in the following manner:

The Future Land Use Map is amended by changing the designation of an approximately 7.17-acre parcel of land generally located on the south side of Poe Road and west of Radio Road, from Lake County Urban Regional Commercial to City General Commercial as shown on Attachment 1, the revised map of said area., lying in Section 3, Township 19 South, Range 24 East, Lake County, Florida, legally described as:

Legal Description
(See Exhibit A)

Section 2.

All ordinances or part of ordinances in conflict with any of the provisions of this ordinance are hereby repealed.

Section 3.

This ordinance shall become effective upon its passage and adoption, according to law.

PASSED AND ADOPTED at the regular meeting of the City Commission of the City of Leesburg, Florida, held on the 22nd day of February, 2016.

THE CITY OF LEESBURG

By:

Jay Hurley, Mayor

ATTEST:

J. Andi Purvis, City Clerk

EXHIBIT A

LEGAL DESCRIPTION

**LEGAL DESCRIPTION
BAKICH NO 2 LLC**

The West 495 feet of the East 5/8 of the North ½ of the SE ¼ of the SE ¼ of Section 3, Township 19 South, Range 25 East in Lake County, Florida; less and except the North 33 feet thereof, conveyed to Lake County by Statutory Warranty Deed recorded in O.R. Book 1441, Page 257, Public Records of Lake County, Florida.

**CITY OF LEESBURG PLANNING & ZONING DIVISION
DEPARTMENTAL REVIEW SUMMARY**

DATE: October 14, 2015
OWNER: Milan Bakich
PETITIONER: Greg Beliveau
PROJECT: Bakich-Lake Nissan
REQUEST: Small Scale Comprehensive Plan
CASE NO.: SSCP-15-102

THE FOLLOWING COMMENTS RECEIVED FROM EACH DEPARTMENT:

POLICE

No comments received as of 10/14/15

FIRE

"Nothing from Fire." – David Johnson – 09/29/15

ELECTRIC

"Electric has no objections." – Steve Davis – 09/29/15.

WATER DISTRIBUTION

No comments received as of 10/14/15

This application may need an FDEP permit for detailing/car washing. A more detailed plan of detailing/car wash area/operation should be submitted to us. DC Maudlin 11/12/2015

WATER BACKFLOW

"Water backflow has no objections." – Helga Bundy – 09/30/15

STORMWATER

"Stormwater has no issues." – Robert Beard – 9/29/15

WASTEWATER

"Wastewater is not available to this property." – Robert Beard – 9/29/15

GAS

Approved by the City of Leesburg Gas Department – per Kim Keenan – Gas Distribution Coordinator, 09/30/15.

GIS

No comments received as of 10/14/15

BUILDING

No comments received as of 10/14/15

ENGINEERING/PUBLIC WORKS/SURVEY

No comments received as of 10/14/15

ADDRESSING

"No comment." – Adrian Parker – 09/30/15

ECONOMIC DEVELOPMENT

No comments received as of 10/14/15

PUBLIC RESPONSES

Approval

No comments received as of 10/14/15

Disapproval

Staff has received numerous calls regarding this case.



CITY OF LEESBURG PLANNING & ZONING DIVISION RECOMMENDATIONS

DATE: December 17, 2015
OWNER: Bakich No 2 LLC
PETITIONER Milan Bakich, Bakich No 2 LLC
PROJECT: Bakich No @ LLC (Parking Facility)
REQUEST: Small Scale Comprehensive Plan amendment
CASE NO.: RZ-15-103

Summary

The applicant is requesting annexation into the City of Leesburg, which includes a small scale comprehensive plan map amendment and rezoning to City of Leesburg Code of Ordinance requirements. The proposed use of an automobile storage and detailing lot has been reviewed by staff and found to be inconsistent with the City of Leesburg Comprehensive Plan adopted under Ordinance 12-71 on December 10, 2015 as noted below. While the proposed future land use designation and zoning district are appropriate for the proposed use, staff does not consider the specific location requested for this amendment to be appropriate.

THE PLANNING & ZONING DIVISION RECOMMENDS:

DISAPPROVAL of the request

for the following reason(s):

1. While the proposed Future Land Use designation of City General Commercial is compatible with the existing Future Land Use designation of Lake County Regional Commercial, the proposed designation is inconsistent with adjacent properties which are currently in Lake County's jurisdiction having low density and agricultural uses.
2. The proposed Future Land Use Designation of City General Commercial is incompatible with the current surrounding zoning districts in Lake County of A (Agriculture) to the north and west., and will create a detriment to the surrounding low density and agricultural uses.
3. The City of Leesburg requires utility connections when property is annexed into the city limits. Leesburg utility services such as water and wastewater connections do not exist at this location.
4. The distance between the subject property and the current city limits is approximately 2.5 miles, which would create an island of commercial land use and zoning within Lake County

jurisdiction.

5. The proposed future land use designation for the site is inconsistent with the City's Growth Management Plan, **Future Land Use Element, Goal I, Objective 1.6.1** - Inconsistencies, which states "Proposed land use amendments which are inconsistent with the character of the community or inconsistent with adjacent future land uses shall not be approved by the City."
6. The proposed future land use designation for the site is inconsistent with the City's Growth Management Plan, Future Land Use Element **Objective 1.6.5 Compatibility** – Compatibility with surrounding established neighborhoods shall be considered during the Comprehensive Plan amendment process. This compatibility will include consideration of surrounding housing types, neighborhood stability, transitional uses and scheduled infrastructure improvements, including those planned improvements stated in the city's 10-Year Water Supply Facilities Work Plan.
7. The proposed future land use designation for the site is inconsistent with the City's Growth Management Plan, Future Land Use Element **Objective 1.8 Adjacent Jurisdictions**. The City shall promote compatibility of adjacent land uses with Lake County and the neighboring cities.
8. The proposed future land use designation for the site is inconsistent with the City's Growth Management Plan, Future Land Use Element **Policy 1.8.1** When reviewing land use amendments, the City shall consider the existing and proposed land uses in jurisdictions that are adjacent to the proposed amendments.
9. The proposed future land use designation for the site is inconsistent with the City's Growth Management Plan, Future Land Use Element **Policy 1.8.3 Annexations** The City shall pursue a pursue a policy of annexation which will provide for the most efficient use of public facilities and services, eliminate areas of jurisdictional problems, and provide for sound growth and development of the City and surrounding area.

Action Requested:

Vote to disapprove the Small Scale Comprehensive Plan designation from Lake County Regional Office to City General Commercial forward the recommendation to the City Commission for consideration.

**CITY OF LEESBURG PLANNING & ZONING DIVISION
STAFF SUMMARY**

DATE: October 9, 2015
OWNER: Milan Bakich
PETITIONER: Greg Beliveau
PROJECT: Bakich-Lake Nissan
REQUEST: Small Scale Comprehensive Plan
CASE NO.: SSCP-15-102

GENERAL LOCATION: The property is generally located on the south side of Poe Street and west of Radio Road

FUTURE LAND USE DESIGNATION:
Lake County Regional Commercial

SURROUNDING FUTURE LAND USE DESIGNATION:
North – Lake County Regional Commercial
South – Lake County Regional Commercial
East – Lake County Regional Commercial
West – Lake County Regional Commercial

PROPOSED FUTURE LAND USE DESIGNATION:
City General Commercial

EXISTING ZONING DESIGNATION:
Lake County A (Agriculture)

SURROUNDING ZONING DESIGNATIONS:
North – Lake County A (Agriculture)
South – Lake County CFD (Community Facility District)
East – Lake County CFD (Community Facility District)
West – Lake County A (Agriculture)

PROPOSED ZONING DESIGNATION:
City of Leesburg SPUD (Small Planned Unit Development)

EXISTING LAND USE: Single Family Residence

SURROUNDING LAND USE:
North – Improved Pasture
South – Private School
East – Private School
West – Single Family Residence

PROPOSED LAND USE: Vehicle Storage / Parking Facility (Phase I);
Vehicle Detailing (Phase II)



AGENDA MEMORANDUM

Item No: 6C.

Meeting Date: February 22, 2016

From: Dan Miller, Planning and Zoning Manager

Subject: Ordinance rezoning approximately 7.17 acres generally located on the south side of Poe Road, west of Radio Road, from Lake County A (Agriculture) to City of Leesburg SPUD (Small Planned Unit Development) (Bakich No. 2, LLC/Lake Nissan)

Staff Recommendation

The Planning Commission and Planning and Zoning staff recommend **disapproval** of the proposed rezoning of the subject property from Lake County A (Agriculture) to SPUD Small Planned Unit Development).

Analysis

The applicant has submitted a request to rezone the property from Lake County A (Agriculture) to City of Leesburg SPUD (Small Planned Unit Development) for a 7.17 +/- acre tract generally located on the south side of Poe Road, and west of Radio Road, as shown on the attached General Location Map. The proposed use is for automotive parking and detailing.

The property is agricultural in nature and is adjacent to single family residential. Staff and Planning Commission's recommendations for disapproval are based on significant inconsistencies with the City of Leesburg's Comprehensive Plan (adopted by City Commission in 2012) and the potential for a spot zoning, as shown on the recommendations for the Small Scale Comp Plan amendment and Annexation applications related to this request. Although the property lies within the ISBA (Inter-local Service Boundary Area) agreement between the City of Leesburg and Lake County, it's location is in an area that is unlikely to annex southward into the City of Leesburg's existing municipal limits.

On December 17, 2015, the Planning Commission held a public hearing on this request and voted to recommend **disapproval** by a vote of 7-0.

Options:

1. Approve the proposed rezoning from Lake County A (Agriculture) to SPUD (Small Planned Unit Development) with the conditions attached as Exhibit A, or;
2. Disapprove the proposed rezoning and allow the property to remain under Lake County jurisdiction.

Fiscal Impact

A small positive fiscal impact may result from the development and use of this property.

Submission Date and Time: 2/18/2016 2:37 PM

Department: <u>Community Development</u> Prepared by: <u>Dan Miller, P&Z Manager</u> Attachments: Yes <input type="checkbox"/> No <input type="checkbox"/> Advertised: <input type="checkbox"/> Not Required <input type="checkbox"/> Dates: _____ Attorney Review : Yes <input type="checkbox"/> No <input type="checkbox"/> _____ Revised 6/10/04	Reviewed by: Dept. Head _____ Finance Dept. _____ Deputy C.M. _____ <u>MWR</u> Submitted by: _____ City Manager _____	Account No. _____ Project No. _____ WF No. _____ Budget _____ Available _____
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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA
REZONING APPROXIMATELY 7.17 ACRES GENERALLY
LOCATED ON THE SOUTH SIDE OF POE ROAD AND WEST
OF RADIO ROAD, AS LEGALLY DESCRIBED IN SECTION 3,
TOWNSHIP 19, RANGE 25 EAST, FROM LAKE COUNTY A
(AGRICULTURE) TO SPUD (SMALL PLANNED UNIT
DEVELOPMENT) FOR BAKICH NO.2, LLC; AND PROVIDING
AN EFFECTIVE DATE (BAKICH NO. 2, LLC/LAKE NISSAN).

BE IT ENACTED BY THE PEOPLE OF THE CITY OF LEESBURG,
FLORIDA, that:

Section 1:

Based upon the petition of Greg Beliveau, on behalf of Bakich No. 2, LLC, the petitioner of the property hereinafter described, which petition has heretofore been approved by the City Commission of the City of Leesburg, Florida, pursuant to the provisions of the Laws of Florida, the said property located in Lake County, Florida, is hereby rezoned from Lake County A (Agriculture) to SPUD (Small Planned Unit Development), with conditions as shown in Exhibit A attached hereto, to wit:

Section 2:

This ordinance shall become effective upon its passage and adoption, according to law.

PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at a regular meeting held the 22nd day of February, 2016.

Jay Hurley, Mayor

ATTEST:

J. Andi Purvis, City Clerk

**LAKE NISSAN STORAGE
REZONING TO SPUD (SMALL PLANNED UNIT DEVELOPMENT)
PLANNED DEVELOPMENT CONDITIONS (RZ 15-103)
NOVEMBER 19, 2015**

These Planned Development Conditions for a SPUD (Small Planned Unit Development) District are granted by the City of Leesburg, Lake County, Florida to Milan Bakich, (Bakich No 2, LLC) "Permittee" for the purposes and terms and conditions as set forth herein pursuant to authority contained in Chapter 25 "Zoning", Section 25-278 "Planned Development Process" of the City of Leesburg Code of Ordinances, as amended.

BACKGROUND

The "Permittee" has submitted an application requesting an SPUD (Small Planned Unit Development) zoning district for commercial uses on an approximately 7.17 +/- acre site generally located on the south side of Poe Road, east of Radio Road, in accordance with their Planned Development application and supplemental information.

PURPOSE

The purpose of this document is to provide appropriate zoning standards for a high quality built environment through the application of flexible and diversified land development requirements, which shall be implemented in conjunction with a master site development plan and the City of Leesburg Code of Ordinances, therefore allowing for more efficient and optimal use of the subject property to increase the overall economic opportunity and employment base of Leesburg, Florida.

CONDITIONS

The following conditions shall apply to the development proposed herein. In any instance where the conditions of this document may conflict with the City of Leesburg Code of Ordinances, this document shall prevail as the determining requirement.

1. PERMISSION

Permission is hereby granted to Milan Bakich, (Bakich No 2, LLC), to operate and maintain an SPUD (Small Planned Unit Development) development in and on real property in the City of Leesburg, subject to all appropriate federal, state and local permitting codes, standards and requirements, and the conditions set forth herein.

2. LEGAL DESCRIPTION

The property is more particularly described below. See attached legal "Exhibit B".

3. LAND USES

The above-described property shall be developed for SPUD (Small Planned Unit Development) uses as limited herein, and pursuant to City of Leesburg development codes and standards and requirements, and as noted below.

A. Uses

Uses shall be those listed as permitted uses in this document and shall occupy the approximate area as shown on the Conceptual Site Plan, Exhibit C.

1. The following uses shall be considered "Permitted Uses"
 - i. Automobile storage and detailing.
 - ii. Single family residential uses
2. The following uses shall be considered "Prohibited Uses"
 - i. All uses not specifically noted in A.1. above.
3. The following uses shall be considered "Accessory Uses"
 - i. Temporary modular construction office for use during construction.
 - ii. Accessory structures for outside storage

4. LOT DEVELOPMENT STANDARDS

A. Minimum Lot Development Standards

1. Minimum lot development standards shall be those of the C-3 (Highway Commercial) zoning district, except as amended by these conditions.
2. Final lot sizes and setbacks may be adjusted by staff during the site plan review process to meet the intent of this SPUD (Small Planned Unit Development) zoning.

B. Setbacks

1. Minimum distance between structures shall be 30 feet; measured from the nearest vertical wall of adjacent buildings.
2. Other setbacks shall be governed by the C-3 (Highway Commercial) zoning district.

C. Impervious Surface Coverage

1. Impervious surface coverage shall not exceed 50 percent of the total property, and open space shall not be less than 50 percent of the total property area.

D. Accessory Structures

1. Accessory structures may take up no more than 10% of the required rear yard area.

E. Easements

1. As part of the development process, easements shall be provided as required by the City of Leesburg and other utility providers, including but not limited to water, wastewater, natural gas, electric, fiber, cable, and communications, for installation and maintenance of utilities.

5. LANDSCAPING AND BUFFER REQUIREMENTS

A. General landscape and buffer requirements

1. A master landscape plan shall be submitted during the Site Plan Review Process for review by City staff. This plan shall show all buffer/boundary areas, parking lots, access points and new construction, and shall be reviewed for consistency with this SPUD document and City of Leesburg landscape code requirements.
2. All landscaped areas shall be designed to meet Section 25-337, Waterwise and Florida Friendly Landscaping, City of Leesburg Code of Ordinances.
3. All required landscaping and buffering shall be constructed in accordance with regulations contained within the City of Leesburg Code of Ordinances, including the following:

- a. A twenty-five (25) foot street-side landscape buffer shall be constructed on the northern boundary of the property along Poe Road, and shall adhere to all requirements of the City of Leesburg Code of Ordinances.
- b. A seventy-five (75) foot planted landscape buffer shall be required along the eastern and western property lines. Said buffer shall be planted in a manner to meet the requirements of the City of Leesburg Code of Ordinances. Buffer areas must remain undisturbed and unused.
- c. A six (6) foot wall made of concrete, brick, stucco or other solid material shall be constructed along the northern, eastern and western property lines to serve as a visual buffer from the adjacent properties.

B. Streetside landscape and buffers

1. In accordance with an approved site/landscape plan, and where applicable, for each one hundred (100) linear feet, or fraction thereof of street-side boundary area, the following plants shall be provided in accordance with the planting standards and requirements of the City of Leesburg Code of Ordinances. These plantings shall meet or exceed the following requirements: shrubbery at a rate of 30" on center, a minimum of 18"-24" tall at planting, and two (2) canopy or three (3) ornamental/understory trees, per 100 linear feet. These plantings shall be selected from the approved lists of trees and shrubs shown in Section 25-328 (i) (2), Landscape plants materials list, City of Leesburg, Code of Ordinances. Ground cover, including mulch, pine bark, cedar, rock or synthetic mulch shall be used as groundcover for all required planted areas.
2. The remainder of the buffer area shall be landscaped with drought tolerant grasses such as Bermuda, or Bahia, groundcover or other landscape treatment in accordance with the City of Leesburg Code of Ordinances.
3. Existing vegetation which is to remain within the required buffer shall be protected during construction.

C. Building Landscaping

1. All new building construction shall comply with Section 25-329 Landscape Buffer Requirements, City of Leesburg Code of Ordinances, for landscaping around building areas, including a five (5) foot landscape buffer around the building perimeter.

D. Parking Lot Landscaping

1. Parking aisles shall have landscape islands located at the end of each aisle.
2. Each landscape island shall be at least 200 square feet, and contain at a minimum, one canopy or understory tree, plus shrubs and groundcover.

E. Open Space

1. A minimum of fifty (50) percent of the property shall be open space. Retention areas, buffers and landscaped areas may be used for the purpose of calculating open space. Parking areas and vehicle access areas shall not be considered in calculating open space.

F. Variations to Landscape Requirements

1. Variations to these landscape requirements of this document may be approved by the Planning and Zoning Manager as long as the intent of the landscaping section of this SPUD (Small Planned Unit Development) document is maintained.

6. MAINTENANCE

A. Responsibility to Maintain

1. With the exception of public utilities, maintenance of all site improvements, including but not limited to drives, internal sidewalks, landscaping and drainage and all other structures shall be the responsibility of the owner.

7. SITE ACCESS

A. Site Access

1. Access to the property shall be one point along Poe Road. No access points shall be permitted at any other areas of the property. Prior to construction, the access point shall be subject to permitting through the City of Leesburg, Lake County or the Florida Department of Transportation as required by law.

8. PARKING

A. Standard Parking Requirements

1. For any structure built on the property, the permittee shall provide off-street parking spaces within the property per the conceptual site plan, as amended, pursuant to the City of Leesburg Code of Ordinances, as amended, for the each uses as proposed.

B. Handicapped parking requirements

1. Parking requirements for handicapped accessible spaces, including number, size and design shall be met through providing the required number based on the City of Leesburg Code of Ordinances, as amended. Handicap parking standards of the Americans with Disabilities Act shall apply.

C. Limitations

1. The location and design of the proposed parking areas will be reviewed during the site plan review process to provide for adequate parking, which may limit the permitted uses of the site.

9. TRANSPORTATION IMPROVEMENTS

A. Approvals for Improvements

1. All transportation improvements shall be contingent upon site plan approval by City of Leesburg staff during development review/permit application.
2. Said approval shall also be contingent upon review and approval by the Lake Sumter MPO, Lake County and the Florida Department of Transportation.
3. The Permittee shall be responsible for obtaining all necessary Lake County and City of Leesburg permits for future development of the project site and a copy of all permits shall be provided to the City of Leesburg prior to construction plan approval.

10. SIGNAGE

A. Ground signs (Poe Road) general

1. One monument style ground sign shall be permitted for the property. The overall design and architectural style shall be consistent with the overall design of the buildings. Ground signs may not be permitted on vacant property.
2. Ground signs shall be designed and constructed to comply with the standards and shall be required to meet all sign requirements of the City of Leesburg Code of Ordinances as amended.
3. Due to the current residential nature of the area, ground signs shall not be lighted.

B. Setbacks for ground signs.

1. The minimum setback from right-of-way line shall be five (5) feet.
2. The minimum setback from any side or rear yard property line shall be seventy-five (75) feet.
3. The minimum setback from any residential or agricultural use shall be seventy-five (75) feet.

C. Design of ground signs.

1. Vertical structure supports for ground signs shall be concealed in an enclosed base. The width of such enclosed base shall be equal to at least one-half ($\frac{1}{2}$) the horizontal width of the sign surface.
2. The base shall be of an architectural style similar to that of the principal building to include split face block, finished metal or brick or stucco finish.

D. Wall signs

1. All wall signs shall be designed and constructed to comply with the standards and requirements of the sign regulations of the City of Leesburg Code of Ordinances, as amended.
2. Wall signs shall not be lighted.

11. LIGHTING

- A. All lighting for the property must be designed and constructed in such a manner as to minimize disturbance and light pollution to adjoining properties, and shall be constructed in such a manner as to point away from adjoining properties.

12. DEVELOPMENT PHASING

A. Planned Phasing of Development

1. The proposed project may be constructed in phases in accordance with the SPUD (Small Planned Unit Development) Conceptual Plan (Exhibit C) or the approved site plan as applicable. Changes to the Conceptual Development Plan or approved site plan, other than those conditions described in this agreement, shall be revised in accordance with the Planned Unit Development review process.

B. Implementation of Development

1. Implementation of the project shall substantially commence within (twenty-four) 24 months of approval of this Small Planned Unit Development. In the event, the conditions of the SPUD have not been implemented during the required time period, the SPUD shall be scheduled with due notice for reconsideration by the Planning Commission at their next available regular

meeting. The Planning Commission will consider whether to extend the SPUD approval or rezone the property to another appropriate zoning classification.

C. Satisfaction of Implementation

1. Satisfaction of the implementation of development shall be attained at such point as the developer has performed any of the following:
 - a. Received an approved site plan for new construction;
 - b. Pulled a building permit and diligently pursued completion of a new wall or structure as shown on the conceptual site plan.

13. DRAINAGE AND UTILITIES

A. Drainage Plan Required

1. Prior to receiving Final Development Plan Approval, the "Permittee" shall submit, if applicable, a Master Site Drainage Plan and Utility Implementation Plan acceptable to the City of Leesburg. This plan shall contain:
 - a. A detailed site plan shall be required demonstrating no direct discharge of stormwater runoff generated by the development into any natural surface waters or onto adjacent properties.
 - b. A detailed site plan indicating all provisions for electric, water, sewer, and natural gas in accordance with the site plan review process as required by the City of Leesburg Code of Ordinances.
 - c. A detailed plan demonstrating how all water used in detailing operations is contained, captured and neutralized/treated/recycled.
 - d. Prior to construction or operation of the proposed development and uses, the applicant shall apply for and receive a permit from the FDEP which indicates operation of the detailing operations per Best Management Practices. This will include review of wash water runoff, detergents, chrome cleaners, etc.

14. WETLANDS AND FLOOD ZONES

A. Existing Wetlands

1. Where wetlands exist on the site, the following requirements shall apply:
 - i. Prior to disturbance or development of any wetland area, the Permittee" shall submit and receive approval from all affected governmental agencies to include, but not limited to, St. John's River Water Management District and the State of Florida Department of Environmental Regulation.
 - ii. Any notice of violation from any affected agency shall be cause for a cease and desist order on permits issued by the City of Leesburg until such time as the violation has been resolved with the appropriate agency(s).
 - iii. A detailed Wetlands Protection Plan showing how the wetlands in the area will be protected from runoff of automotive detailing use.

B. Wetland Buffers

1. Permitted uses, buildings and structures shall be an average of 50 feet from any wetland jurisdiction boundary. Under no circumstances shall the minimum buffer width be less than 30 feet.
2. Wetlands shall have a minimum upland buffer as established by St. Johns River Water Management District and/or U.S. Army Corp of Engineers; whichever is more restrictive. All upland buffers shall be naturally vegetated and upland

buffers that are devoid of natural vegetation shall be re-planted with native vegetation or as required by St. Johns River Water Management District and/or U.S. Army Corp of Engineers.

C. Wetland Easements

1. To the extent practical, wetlands shall be placed in a conservation easement, which shall run in favor of, and be enforceable by, St. Johns River Water Management District or another legal entity such as a Homeowners Association. The conservation easement shall require that the wetlands be maintained in their natural and unaltered state. Wetlands shall not be included as a part of any platted lot, other than a lot platted as a common area, which shall be dedicated to St. Johns River Water Management District or another legal entity such as a Property Owner's Association for ownership and maintenance.

15. STORMWATER MANAGEMENT / UTILITIES

A. Stormwater Management and Utility Plan

Prior to any clearing, grubbing, or disturbance of natural vegetation in any phase of the development, the Permittee shall provide:

1. A detailed site plan that demonstrates no direct discharge of stormwater runoff generated by the development into any wetlands or onto adjacent properties.
2. A stormwater management system designed and implemented to meet all applicable St. Johns River Water Management District and City of Leesburg requirements.
3. The 100-year flood plain shown on all plans and lots.
4. The appropriate documentation that any flood hazard boundary has been amended in accordance with Federal Emergency Management Agency requirements, if the 100 year flood plain is altered and /or a new 100 year flood elevation is established in reference to the applicable flood insurance rate map.
5. A copy of the Management and Storage of Surface Waters permit obtained from St. Johns River Water Management District.
6. A detailed site plan that indicates all the provisions for electric, water, sewer, and/or natural gas in accordance with the City of Leesburg Land Development Codes.
7. Responsibility for improvements
 - a. The developer shall bear all responsibility, financial and otherwise, for the construction and installation of utility infrastructure and other improvements related to the use and development of the property, which shall be constructed to the applicable specifications imposed by the ordinances and regulations of the City in effect at the time of construction.

16. DESIGN REQUIREMENTS

A. Architectural Theme:

1. Each building shall have a common architectural theme for each phase and the side of buildings which face streets (public or private) shall be finished in the same materials as used in the front of buildings.

B. Screening of equipment:

1. Mechanical units and roof equipment shall be screened from view with parapet or other screening method so that mechanical equipment is not seen from public right-of-way or adjacent property.

C. Exterior construction materials:

1. Exterior building materials contribute significantly to the visual impact of a building on the community. They shall be well designed and integrated into a comprehensive design style for the project. The total exterior wall area of each building elevation shall be composed of one of the following:
 - a. at least thirty-five percent (35%) full-width brick or stone (not including window and door areas and related trim areas), with the balance being any type of lap siding and/or stucco.
 - b. At least thirty percent (30%) full-width brick or stone, with the balance being stucco and/or a "cementitious" lap siding. (A "cementitious" lap siding product is defined as a manufactured strip siding composed of cement-based materials rather than wood fiber-based or plastic-based materials. For example, Masonite or vinyl lap siding would not be allowed under this option).
 - c. All textured stucco, provided there are unique design features such as recessed areas, tile roofs, arched windows etc. in the elevations of the buildings or the buildings are all brick stucco. Unique design features shall be reviewed by the Community Development Director for compliance.

D. Building Façade:

1. Building facades shall provide architectural relief for building walls and frontage walls facing the street. Buildings shall provide a foundation or base, typically from ground to bottom of the lower windowsills, with changes in volume or material.

E. Design Variations:

1. Other similar design variations meeting the intent of this section may be approved at the discretion of the Planning and Zoning Manager.

17. MISCELLANEOUS CONDITIONS

A. Uses

1. The uses of the proposed project shall only be those uses identified in the approved Small Planned Unit Development Conditions. Any other proposed use must be specifically authorized by the Planning Commission or City Commission, as applicable, in accordance with the Small Planned Unit Development amendment process.

B. Approvals

1. No person, firm or corporation shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building structure, or alter the land in any manner without first submitting the necessary plans and obtaining appropriate approvals in accordance with the City of Leesburg Code of Ordinances.

C. Compliance

1. Construction and operation of the proposed use(s) shall at all times comply with City and other governmental agencies rules and regulations.

D. Transfer of Ownership

1. The transfer of ownership or lease of any or all of the property described in this SPUD Agreement shall include in the transfer or lease agreement, a provision that the purchaser or lessee is made good and aware of the conditions pertaining to this Small Planned Unit Development. The purchaser or lessee may request a change

from the existing plans and conditions by following the procedures as described in the City of Leesburg Code of Ordinances, as amended.

E. Benefit

1. These SPUD Conditions shall inure to the benefit of, and shall constitute a covenant running with the land and the terms, conditions, and provisions hereof, and shall be binding upon the present owner and any successor, and shall be subject to each and every condition herein set out.

F. Hours of Operation

1. Hours of operation shall be restricted to 8:00 am to 5:00 pm daily.

G. Section 12-19 Nuisance to be enforced:

1. Per Section 12-19, City of Leesburg Code of Ordinances, any disturbance through noise, dust, vibration or other causes as noted in the City of Leesburg Code of Ordinances shall be reportable to the Office of Code Enforcement for action, up to and including suspension of the business tax receipt. Section 12-19, City of Leesburg Code of Ordinances is attached hereto as Exhibit D.

H. Use of semi-truck/tractors not permitted on site:

1. Semi-trucks and trailers shall not be permitted to load or unload at this location due to the potential for excessive noise during the arrival, loading, unloading and departure operations. Vehicles shall be loaded and unloaded at an off-site location.

18. LEVELS OF SERVICE AND CAPACITY

A. Levels of Service:

1. As submitted, the proposed zoning change does not lie within areas currently served by City of Leesburg utility services, and could therefore require connection to public facilities. No final development order (site plan and building permits) shall be granted for proposed development until there is a finding that all public facilities and services required for the development have been made available at the expense of the developer, and have sufficient capacity at or above the adopted level of service (LOS) to accommodate the impacts of the development, or that improvements necessary to bring facilities up to their adopted LOS will be in place concurrent with the impacts of the development.

B. Projected Capacities:

1. The City's utility planning efforts draw upon phasing, capacity and service requirements, based upon information provided by the applicant. The City develops its plans consistent with sound engineering principles, prudent fiscal practices and due regard for regulatory compliance.
2. If the development requires construction of new distribution mains, since facilities in the service area are not adequate, the developer will be required to construct such facilities to provide service. The developer will bear the cost of design, permitting and construction. Any such facilities must be constructed in a fashion consistent with the City's master plans and to the City standards and specifications.

C. Commitment of Capacity:

1. There are no previous commitments of any existing or planned excess capacity.

LEGAL DESCRIPTION

EXHIBIT B

LEGAL DESCRIPTION

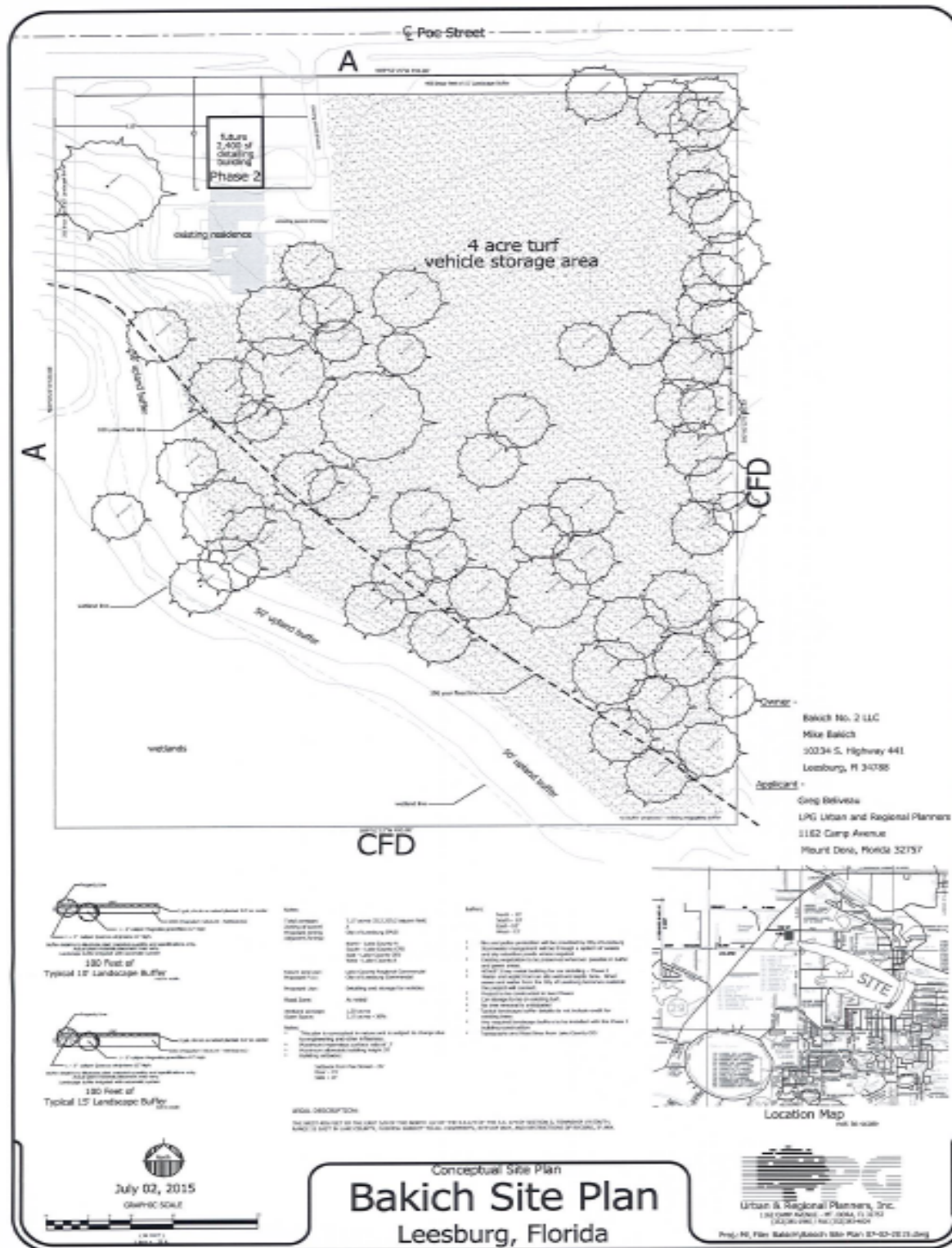
BAKICH NO 2 LLC

The West 495 feet of the East $\frac{5}{8}$ of the North $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 3, Township 19 South, Range 25 East in Lake County, Florida; less and except the North 33 feet thereof, conveyed to Lake County by Statutory Warranty Deed recorded in O.R. Book 1441, Page 257, Public Records of Lake County, Florida.

Lake County Alternate Key #: 1506816

SITE PLAN

EXHIBIT C



Ordinance Section 12-19 Nuisances

EXHIBIT D

Sec. 12-19. - Regulation of public nuisances.

- (a) As used in this section, the term "public nuisance" shall mean any residential building, place of commercial business or other property that has been used as or has been the location of:
 - (1) On more than two (2) occasions within a six-month period as the site of a violation of F.S. Ch. 796 (prohibiting acts of prostitution);
 - (2) On more than two (2) occasions within a six-month period as the site of the unlawful sale, delivery, manufacture or cultivation of any controlled substance;
 - (3) On one (1) occasion as the site of the unlawful possession of a controlled substance, where such possession constitutes a felony and the same premises have been adjudicated under this section as having been previously used on more than one (1) occasion as the site of the unlawful sale, delivery, manufacture, or cultivation of any controlled substance;
 - (4) On more than two (2) occasions within a six-month period as the site of a violation of F.S. § 812.019 related to dealing in stolen property;
 - (5) On more than two (2) occasions within a six-month period as the location of a public altercation including, but not limited to, any physical or sexual assault, battery, nonaccidental gunshot injury or stabbing injury, or any fight involving a criminal gang, criminal gang member or criminal gang associate, or hate group, all as defined in F.S. § 874.03;
 - (6) On more than four (4) occasions within a six-month period as the subject of citizen complaints regarding excessive noise, including music or musical instruments producing sufficient volume to be heard inside any residential structure more than one hundred (100) feet away from the site, with the windows closed; and raucous outdoor gatherings such as crowds assembled in a public or private parking lot (excluding any music or outdoor gatherings for which a special events permit has been issued under this Code).
- (b) Any residential building, commercial business or other property determined in the enforcement process set forth below to have met any of the conditions enumerated in subsection (1) of this section may be declared to be a public nuisance, and the owner or tenant thereof, or both when evidence so justifies, may be subjected to the penalties specified in this section.
- (c) This section shall be enforced by the special magistrate designated by the city to hear code enforcement cases, utilizing the procedures set forth below.
- (d) A complaint against an alleged public nuisance may be initiated by any code enforcement officer or police officer of the city, by the building official, by the community development department, or by any citizen. The procedure for the filing and processing of a complaint is as follows:
 - (1) All complaints shall be in writing and under oath, and shall contain the name and mailing address of the complainant (for complaints initiated by any city employee that shall be the address of the city); the name and address of the commercial business or the address of the residential structure which is the subject of the complaint; the name and address of the property owner (and if not owner-occupied, the name and address of the tenant) of the premises which are the subject of the complaint, if known; and a detailed description of the facts which the complainant believes justify a determination that the premises constitute a public nuisance under this section.
 - (2) Once a complaint is filed, the city manager or his designee shall review the complaint to determine that it is sufficient on its face to allege properly the existence of a public nuisance under this section. If the complaint is deemed sufficient on its face, the city shall investigate the premises to determine the name and address of the property owner and tenant. For the property owner, the information on the Lake County Property Appraiser's records shall be considered prima facie evidence of the name and mailing address of the owner. For the tenant,

where applicable, the records of the customer service department of the city reflecting the name and address of the utility customer at the location shall be deemed prima facie evidence of the identity and address of the tenant.

- (3) After the complaint is deemed sufficient on its face and the name and address of the property owner and tenant, if any, have been determined, the complaint shall be set for hearing before the special magistrate. The property owner and tenant, if any, shall be given written notice by both certified mail, return receipt requested, and regular first class mail, and by posting at the premises, not less than fifteen (15) calendar days prior to the scheduled hearing date, informing them of the filing of the complaint, the facts alleged as a basis for the allegation that the premises constitute a public nuisance, and of the date, time and location of the public hearing. The notice shall also inform the tenant and property owner that to prosecute any appeal of the special magistrate's decision will require a verbatim record of the hearing which the city does not provide and that it will be the responsibility of the property owner or tenant to provide for that verbatim record of the proceedings. A copy of this section shall be included in each notice. Due to the serious nature of the penalties which may be imposed hereunder, constructive notice by publication or posting alone may not be the basis for a public hearing under this section. However, the city may in its sole discretion serve a tenant or property owner personally by hand delivery, provided that service by hand delivery shall not eliminate the need to serve the notice by certified mail, regular mail and posting at the premises.
- (e) A public hearing on the complaint shall be held at the date and time set forth in the notice to the property owner and tenant. A property owner or tenant may request one (1) postponement of the public hearing for not more than thirty (30) days, for good cause, which request shall be granted by the special magistrate in the absence of a showing by the city or the complainant that the postponement will prejudice them in any way.
- (f) At the public hearing, all testimony shall be given under oath. Strict rules of evidence shall not apply but the special magistrate may take into account the persuasive value of evidence such as hearsay which would be inadmissible in a court of law. The city or citizen complainant shall proceed first, to present the evidence in support of the assertion that the property in question constitutes a public nuisance. The property owner, and tenant if any, shall then be entitled to present evidence in defense of the proposition that the property does not constitute a public nuisance. Each party may cross examine the witnesses of the other. Documentary evidence may be presented, however the special magistrate shall have discretion to reject or give lesser weight to any documentary evidence which is inadmissible in a court of law, such as hearsay or documents which are not properly authenticated. Following the presentations by the city or citizen complainant, the property owner and tenant, members of the general public in attendance may be allowed to speak under oath at the discretion of the special magistrate, provided that anyone speaking shall be subject to cross examination by the city or citizen complainant, the property owner and the tenant.
- (g) At the conclusion of the public hearing, the special magistrate shall announce a determination whether, based on the testimony and evidence presented, the property constitutes a public nuisance under this section. If a nuisance is determined to exist, and the property is occupied by a tenant, the order shall specify whether the nuisance is attributable solely to the acts or failure to act of the tenant, or whether the property owner is also complicit in the nuisance.
- (h) If the property is found to be a public nuisance, the special magistrate may impose any of the following penalties and sanctions:
 - (1) Fines of up to two hundred fifty dollars (\$250.00) per day for each day the property is determined to have been operated as a public nuisance; provided that if the property has been determined to be a public nuisance in an earlier proceeding under this section then the fine may be up to five hundred dollars (\$500.00) per day for a recurring public nuisance, and provided further that the total fines imposed under this section on any parcel shall not exceed fifteen thousand dollars (\$15,000.00);
 - (2) Entry of an order requiring the property owner to adopt such rules and procedures as may be appropriate under the circumstances to abate the nuisance;

- (3) Entry of an order with a duration determined by the special magistrate, not to exceed one (1) year, prohibiting the conduct which is found to have constituted a public nuisance and reserving jurisdiction over the property to the special magistrate for a period up to one (1) year;
- (4) Imposition of an additional monetary penalty equal to the reasonable costs and reasonable attorneys' fees incurred by the city in the investigation of the public nuisance and the prosecution of the proceedings under this section leading to the determination of public nuisance;
- (5) For the third determination of public nuisance under this section on the same property within any one-year period, the special magistrate may issue an order with a duration not to exceed one (1) year, prohibiting the operation of the premises including closure of the place or premises or any part thereof, and the conduct, operation or maintenance of any business or activity on the premises which is conducive to the activities found to constitute a public nuisance;
- (6) Requiring the recordation in the Public Records of Lake County, Florida, of the order finding the existence of a public nuisance in order to provide notice to subsequent purchasers, successors in interest, or assigns of the real property that it is subject to the order;
- (7) Requiring the recordation of the order imposing any fines or monetary penalties as a lien against the real property in question, and providing for the foreclosure of such lien and recovery of all costs, including reasonable attorneys' fees, incurred in the foreclosure process.

Copies of all orders entered under this section shall be served on the parties in the same manner provided herein for service of notice of the public hearing. Notwithstanding anything to the contrary in this section, the penalties provided for under subsections (1), (4), (5), and (7) above shall not be levied against an owner of real property if the nuisance found to exist is due solely to the acts of a tenant in the property in which the property owner is found not to have been complicit, and the property owner evicts the tenant within ninety (90) days after notification of entry of an order finding the existence of a public nuisance attributable solely to the acts or failure to act of the tenant.

- (i) Any party aggrieved by the decision of the special magistrate may initiate an appeal of the decision to the Circuit Court in Lake County, Florida, by filing a notice of appeal with the city manager which is received by the city manager no later than thirty (30) days after entry of the order being appealed. The appeal shall be governed by the Florida Rules of Appellate Procedure in all respects. No appeal shall act as a stay of the order under appeal unless the appellant seeks a stay of the order from the circuit court and files a supersedeas bond in the amount determined by the circuit court.
- (j) This section is intended to be a supplemental and nonexclusive method of adjudicating and penalizing public nuisances. Its enactment shall not be construed to limit the rights of the City of Leesburg or any citizen to proceed against an alleged public nuisance in any other manner permitted by law or in equity including seeking declaratory or injunctive relief, including, but not limited to, proceeding under F.S. § 60.05.

(Ord. No. 10-41, § I, 5-10-10)

**CITY OF LEESBURG PLANNING & ZONING DIVISION
STAFF SUMMARY**

DATE: October 9, 2015
OWNER: Milan Bakich
PETITIONER: Greg Beliveau
PROJECT: Bakich-Lake Nissan
REQUEST: Rezoning
CASE NO.: RZ-15-103

GENERAL LOCATION: The property is generally located on the south side of Poe Street and west of Radio Road

FUTURE LAND USE DESIGNATION:
Lake County Regional Commercial

SURROUNDING FUTURE LAND USE DESIGNATION:
North – Lake County Regional Commercial
South – Lake County Regional Commercial
East – Lake County Regional Commercial
West – Lake County Regional Commercial

PROPOSED FUTURE LAND USE DESIGNATION:
City General Commercial

EXISTING ZONING DESIGNATION:
Lake County A (Agriculture)

SURROUNDING ZONING DESIGNATIONS:
North – Lake County A (Agriculture)
South – Lake County CFD (Community Facility District)
East – Lake County CFD (Community Facility District)
West – Lake County A (Agriculture)

PROPOSED ZONING DESIGNATION:
City of Leesburg SPUD (Small Planned Unit Development)

EXISTING LAND USE: Single Family Residence

SURROUNDING LAND USE:
North – Improved Pasture
South – Private School
East – Private School
West – Single Family Residence

PROPOSED LAND USE: Vehicle Storage / Parking Facility (Phase 1);
Vehicle Detailing (Phase II)



**CITY OF LEESBURG PLANNING & ZONING DIVISION
RECOMMENDATIONS**

OWNER: Milan Bakich, (Bakich No. 2, LLC)
PETITIONER: Greg Beliveau, Land Planning Group
PROJECT: Lake Nissan Storage
REQUEST: Rezoning to SPUD (Small Planned Unit Development)
CASE NO.: SPUD 15-103
MEETING DATE: November 19, 2015

THE PLANNING & ZONING DIVISION RECOMMENDS:

DENIAL of the request

for the following reason(s):

1. The proposed use of the property located on Poe Road for automotive storage and detailing is inconsistent with the existing zoning to the north and west of Lake County A (Agriculture).
 - a. Currently the subject property, along with property to the north and west, are zoned for agricultural uses. The proposed rezoning is not considered compatible with the current zoning.
2. The proposed location on Poe Road, while within the boundaries of the ISBA (Inter-Local Service Boundary Agreement) does not warrant annexation by the City of Leesburg at the present time.
 - a. The property lies approximately 2.6 miles north of the current Leesburg city limits.
 - b. Rezoning the property will not induce property owners (mostly residential) between the current city limits on Radio Road and the proposed location on Poe Road to annex.
 - c. Rezoning of the property will create an unnecessary island of incorporated municipally zoned land in an area that, based on current surrounding uses, is not ready for commercial type development at this time.
 - d. Rezoning of the property will create an unnecessary island of incorporated municipally zoned land that could be considered to constitute “spot zoning”.

3. The rezoning of the subject properties is inconsistent with the City's Growth Management Plan,
 - a. Future Land Use Element, Objective 1.8 *Adjacent jurisdictions* "The City shall promote compatibility of adjacent land uses with Lake County and the neighboring Cities."
 - i. The proposed use is not considered compatible with adjacent land uses.
 - b. Future Land Use Element, Policy 1.8.3 *Annexation* "The city shall pursue a policy of annexation which will provide for the most efficient use of public facilities and services, eliminate areas of jurisdictional problems, and provide for sound growth and development of the city and surrounding area:
 - i. The proposed zoning will not provide for efficient use of public facilities and services.
 - ii. The proposed use will exacerbate jurisdictional problems for the City of Leesburg, Lake County and local residents including but not limited to police and fire/rescue services.

Action Requested:

1. Vote to recommend DENIAL of the proposed rezoning from Lake County A (Agriculture) to SPUD (Small Planned Unit Development).

NOTE:

1. Should the Planning Commission choose to recommend APPROVAL of the requested zoning, the conditions contained in "Exhibit A – Lake Nissan Storage Small Planned Unit Development" as attached hereto, are respectfully requested to accompany the recommendations. The conditions attached under Exhibit A SPUD (Small Planned Unit Development Conditions), effect the greatest possible compatibility between the existing adjacent zoning and land uses and the proposed uses of automotive parking and detailing.



AGENDA MEMORANDUM

Item No: 6D.

Meeting Date: February 22, 2016

From: Brandy McDaniel, Budget Manager

Subject: Budget Calendar for Fiscal Year 2016-17

Staff Recommendation:

Staff recommends City Commission approval of the budget calendar for fiscal year 2016-17, which includes dates for the commission workshop meetings.

Analysis:

The first step in the budget process is to establish a calendar for fiscal year 2016-17. By law, the City is allowed 45 days from July 1st or the date the Property Appraiser notifies the City Commission of the certified taxable values for 2016, whichever is later, to certify to following:

- 1) the proposed millage rate for 2016,
- 2) rolled back millage rate for 2016, and
- 3) the date, time, and place of the public hearing to consider the proposed millage rate and tentative budget.

Since the City may not hold a public hearing on the same date as Lake County or the Lake County School Board, staff has tentatively scheduled the first public hearing for September 15, 2016.

As indicated on the attached calendar, the budget work sessions, subject to approval and/or modification by the Commission are scheduled as follows:

June 28 th -	Budget Workshop/Preliminary FY 16-17 Budget Information & Civic Funding Discussion
July -	14 th , 26 th , & 28 th , Budget/Capital Improvement plan workshops
July 25 th -	Establish the 2016 millage rate
August 1 st -	Budget/capital improvement plan workshop
September 15 th -	1 st hearing of 2016 millage rate
September 26 th -	Final adoption of 2016 millage rate and FY 16-17 Budget

Options:

1. Approve the budget calendar, as presented, or
2. Approve the calendar as modified by the commission

Fiscal Impact:

None

Submission Date and Time: 2/18/2016 2:37 PM

Department: <u>Finance</u> Prepared by: <u>Brandy McDaniel</u> Attachments: Yes <input type="checkbox"/> No <input type="checkbox"/> Advertised: <u>Not Required</u> Dates: _____ Attorney Review : Yes <input type="checkbox"/> No <input type="checkbox"/> _____ Revised 6/10/04	Reviewed by: Dept. Head _____ Finance Dept. _____ Deputy C.M. _____ Submitted by: _____ City Manager _____	Account No. <u>N/A</u> Project No. _____ WF No. _____ Budget _____ Available _____
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**CITY OF LEESBURG, FLORIDA
BUDGET CALENDAR
FISCAL YEAR 2016-17**

2016 DATE DAY	RESPONSIBLE PARTY	REQUIRED ACTIVITY	REQUIREMENT REFERENCE
February 22, Monday	City Commission	Adopt budget calendar for the fiscal year 2016-17 budget	
March 21, Monday	Department Directors	Deadline for submission to the Budget Manager of Utility Revenue projections	
April 11, Monday	Department Directors	Deadline for submission to the Budget Manager of budget requests for fiscal year 2016-17	
May 2-27 Monday-Friday	City Manager	Meet with governmental fund departments to discuss fiscal year 2016-17 budget requests, including goals and objectives	
May 31-June 8, Tuesday- Wednesday	City Manager	Meet with Utility funds to discuss fiscal year 2016-17 budget requests, including goals and objectives	
On or before June 1, Wednesday	Property Appraiser	Provide an estimate of 2016 total assessed values of nonexempt property for budget planning purposes	Section 200.065(7), Florida Statutes,
June 20, Monday	Finance Department	Present the draft budget for fiscal year 2016-17 to the City Manager for review and analysis	
June 28, Tuesday	City Commission	Conduct Budget Workshop/Preliminary Review & Civic Funding Discussion	
July 1, Friday	City Manager	Present the draft budget for fiscal year 2016-17 to the City Commission for review and analysis	Section 200.065(2)(a)2, Florida Statutes, Section 28, Leesburg City Charter
On or before July 1, Friday	Property Appraiser	Submit 2016 certified taxable values to the City Commission	Section 193.023(1), Florida Statutes, Section 200.065 (1), Florida Statutes
July 14, Thursday	City Commission	Conduct budget/capital improvement work session regarding the proposed budget for fiscal year 2016-17	
July 25, Monday	City Commission	Establish the maximum millage rate for fiscal year 2016-17	
On or before July 26, Tuesday	City Commission	Notify the Property Appraiser of: 1. The Proposed millage rates for 2016; 2. The rolled back millage rates for 2016; 3. The date, time, and place of the public hearings to consider the proposed millage rates and tentative budgets	Section 200.065(2)(b), Florida Statutes,

**CITY OF LEESBURG, FLORIDA
BUDGET CALENDAR
FISCAL YEAR 2016-17**

2016 DATE DAY	RESPONSIBLE PARTY	REQUIRED ACTIVITY	REQUIREMENT REFERENCE
July 26 & 28, Tuesday, Thursday	City Commission	Conduct budget/capital improvement work session regarding the proposed budget for fiscal year 2016-17	
August 1, Monday	City Commission	Conduct budget/capital improvement work session regarding the proposed budget for fiscal year 2016-17	
On or before August 24, Wednesday	Property Appraiser	Mail notices of proposed property taxes for 2016 to each taxpayer listed on the current year assessment roll	Section 200.065(2)(b), Florida Statutes, Section 200.069, Florida Statutes
September 12, Monday	CRA Board	Establish budget for Community Redevelopment Agencies	
September 15, Thursday	City Commission	Conduct public hearings to consider adoption of the tentative millage rate for fiscal year 2016-17. All hearings <u>must</u> begin after 5:00 P.M	Section 166.241(3), Florida Statutes, Section 200.065(2)(c)-(e), Florida Statutes
September 22, Thursday	Finance Director/ City Clerk	Advertise public hearings to consider final adoption of the budgets, increases in property taxes and operating expenditures (if applicable), and adoption of millage rate for fiscal year 2016-17	Section 200.065(2)(d), Florida Statutes, Sections 200.065(3),(a),(b), and (h)-(l), Florida Statutes
September 26, Monday	City Commission	Conduct public hearings to consider final adoption of the budget/capital improvement plan, and millage rate for fiscal year 2016-17. All hearings <u>must</u> begin after 5:00 P.M	Section 166.241(3), Florida Statutes, Section 200.065(2)(d), (e),Florida Statutes
November	Finance Director	Begin distribution of final budget documents	



AGENDA MEMORANDUM

Item No: 6E.

Meeting Date: February 22, 2016

From: James Hardy, CBO, Building Official

Subject: Chapter 7, Buildings and Building Regulations Code Update

Staff Recommendation

Staff recommends approval of the attached ordinance, to update outdated building code references, explain the permitting and plans submittal process, add a category for small project permits and set up an early start permit.

Analysis

This ordinance updates Section 7 of the City of Leesburg Code of Ordinances (Building Codes) by adopting the latest building code references to meet the State of Florida requirements. These requirements include the latest editions of all materials enforced by the Building Division. Section 7-16 adopts the 2014 Fifth Edition of the Florida Building Code. Section 7-19 clarifies enforcement procedures; Section 7-20 gives an explanation of the Building Division's permitting procedures; Section 7-21 gives explanations of the different types of permits including the Early Start Permit; Section 7-38 gives explanation of when the Building Official has the right to enter and inspect the premises; Section 7-103 clarifies the requirements when adding an additional electric meter to a commercial building; Section 7-200 outlines procedures for Unsafe Structures, including enforcement procedures and cost recovery. An updated fee schedule will be presented by resolution on a separate agenda item to reflect the changes noted herein. The overall result of this amendment is to repeal outdated sections of the code and reduce the overall amount of regulatory requirements of Chapter 7, Buildings and Building Regulations.

Options

1. Approve the ordinance as presented to the City Commission
2. Such alternative action as the Commission may deem appropriate

Fiscal Impact

No fiscal impact is expected from the approval of this ordinance.

Submission Date and Time: 2/18/2016 2:38 PM

Department: <u>Community Development</u> Prepared by: <u>James Hardy, CBO</u> Attachments: Yes <input type="checkbox"/> No <input type="checkbox"/> Advertised: <input type="checkbox"/> Not Required <input type="checkbox"/> Dates: _____ Attorney Review : Yes <input type="checkbox"/> No <input type="checkbox"/> _____ Revised 6/10/04	Reviewed by: Dept. Head _____ Finance Dept. _____ Deputy C.M. _____ Submitted by: _____ City Manager _____	Account No. _____ Project No. _____ WF No. _____ Budget _____ Available _____
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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES PERTAINING TO BUILDINGS AND BUILDING REGULATIONS, TO REPEAL OUTDATED BUILDING CODES, TO ADOPT UPDATED VERSIONS OF THE FLORIDA BUILDING CODE, ELECTRICAL CODE, FIRE PREVENTION CODE, AND PROPERTY MAINTENANCE CODE; PROVIDING A METHOD OF ENFORCEMENT AND COST RECOVERY, AND FOR APPEALS OF DECISIONS MADE BY THE BUILDING OFFICIAL; SETTING FORTH A PERMITTING PROCESS; SPECIFYING DETAILS FOR BUILDING PERMITS, BUILDING INSPECTIONS, AND CERTIFICATES OF OCCUPANCY; CREATING A GENERAL PERMIT CATEGORY FOR SMALL PROJECTS; GRANTING THE BUILDING OFFICIAL RIGHTS TO ENTER AND INSPECT; PROVIDING REQUIREMENTS TO ADD AN ELECTRIC METER TO A COMMERCIAL STRUCTURE; REPEALING CONFLICTING ORDINANCES, PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF LEESBURG, FLORIDA:

SECTION I.

Article II, Section 7-16, of the Code of Ordinances of the City of Leesburg, Florida, is hereby amended in its entirety to read as set forth below:

Sec. 7-16. Building Codes Adopted.

The 2014 Fifth Edition of the Florida Building Code, effective as of June 30, 2015, is adopted as the Building Code for the City of Leesburg, Florida. It is comprised of the following elements:

- a. Florida Building Code.
- b. Florida Building Code – Residential.
- c. Florida Building Code – Accessibility.
- d. Florida Building Code – Energy Conservation.
- e. Florida Building Code – Existing Buildings.
- f. Florida Building Code – Mechanical.
- g. Florida Building Code – Plumbing.
- h. Florida Building Code – Fuel Gas.
- i. 2011 National Electric Code.
- j. Florida Fire Prevention Code.
- k. 2012 International Property Maintenance Code.

Each of these Codes is adopted by reference and incorporated into the Leesburg Code of Ordinances, as fully as if set out in full herein. Appeals from the application or interpretation of these Codes by the Building Official or other City staff, and

requests for variances, shall be presented to the Board of Adjustments and Appeals utilizing the procedures set out in Sections 7-3, 7-4, and 7-5 of the Leesburg Code of Ordinances.

For purposes of application of these Codes, the City Limits of the City of Leesburg are within the following listed wind speed categories:

- a. For Risk Category I Buildings: Vult 125 mph
- b. For Risk Category II Buildings: Vult 135 mph
- c. For Risk Category III and IV Buildings:
 - (1) Vult 139 mph for all lands lying Northerly of a line being one mile South of the North line of Township 20 South, Lake County, Florida, and within the municipal limits of the City of Leesburg; and
 - (2) Vult 140 mph for all lands lying Southerly of a line being one mile South of the North line of Township 20 South, Lake County, Florida, and within the municipal limits of the City of Leesburg.

SECTION II.

Article II, Section 7-19, of the Code of Ordinances of the City of Leesburg, Florida, is hereby amended in its entirety to read as set forth below:

Sec. 7-19. Violations and Penalties.

The Building Official may refer any violation of this Code to the Special Magistrate for such action as the Magistrate may deem appropriate, under the procedure specified in Chapter 2, Article IV, Division 2 of the Leesburg Code of Ordinances. In the alternative, the Building Official may exercise any other remedies provided in the Codes adopted in §7-16 above, or may seek injunctive relief.

SECTION III.

Article II, Section 7-20, of the Code of Ordinances of the City of Leesburg, Florida, is created to read as set forth below:

Sec. 7-20. Permitting Process.

- a. Applications for building and building related permits shall be submitted to the Building Division. Such submittal shall include the application form as provided by the City, along with all required, associated documents, and payment in full of all fees, depending on the type of permit being sought, as further described below.
- b. Applications for constructing new buildings, and additions to existing buildings, shall include two complete sets of construction plans, one current property survey for the building site, one site development plan showing the proposed improvements to the property, and one State of Florida energy conservation compliance form, when applicable. One copy of the plans must be on a CD in

PDF format. An original of the receipt for payment of road and school impact fees when applicable, and an original of the receipt for payment of water, sewer, recreation, and any other applicable impact or other fees, must be provided by the applicant prior to issuance of a Certificate of Occupancy

- c. All structures shall comply with the wind load requirements of the Florida Building Code.
- d. Required plans for all structures other than one or two family dwellings shall be prepared, signed, dated, and sealed by a professional engineer or architect, duly registered and licensed by the State of Florida per Chapter 471 and 481, respectively, Fla. Stat.
- e. Required plans for all one or two family dwellings shall be prepared and sealed by a professional engineer or architect, duly registered and licensed by the State of Florida per Chapter 471 and 481, respectively, Fla. Stat., or they shall otherwise be in conformity with the standard of SST 10-99 or other standard adopted by the State.
- f. A master file may be established upon request for any "model" or prototype plan for a residential single-family or two-family building, accessory structures, and building components. The following shall apply to master files:
 - 1. Once the plans or drawings have been approved for master file, the Building Official or designee shall stamp each page. Each time the model, accessory building, or building component is submitted for a building permit, the contractor shall submit two copies of the plans containing the city approval stamps. The Building Official or designee shall stamp one copy for the field and the other copy for the file.
 - 2. One copy of the plans submitted for master file may be a reproducible copy. Plans for each model or accessory building shall be updated each time the adopted building codes are updated or as specified by the architect or engineer of record.
 - 3. No structural changes or modifications shall be made to master file plans. Deviations from the master file plans shall require the submittal and review of revised documents. If any contractor makes changes or modifications to master file plans, the Building Official or designee shall immediately terminate the contractor's use of the master file system.
 - 4. Applications to open a master file shall include the following when applicable:
 - i. Three sets of engineered plans, which shall be dated, signed and sealed by an architect or engineer registered with the state in accordance to F.S. chs. 481 or 471, respectively. Each such set of plans shall contain a statement by the architect or engineer of record as follows: "This plan is for master file purposes only." The plans shall include the applicable information as specified by section 107 minimum plan review criteria for buildings of the Florida Building Code.
 - ii. Three sets of pre-engineered truss drawings, which shall be dated, signed and sealed by an engineer registered with the state per Chapter 471, Fla. Stat. The truss drawings shall be designed and engineered for each specific model or accessory building.
 - iii. If the building plan may be reversed, a separate set of engineering plans and truss drawings shall be submitted for each orientation.

- iv. Such additional information must be provided, as the Building Official may require, to ensure that the plans submitted for master file are complete, including but not limited to, electrical, mechanical, plumbing, window and door information.
- g. Except as otherwise specifically provided in this Chapter 7, Article II, applications for electrical, gas, plumbing, mechanical, and other permits, regulated by any of the adopted codes in addition to the Florida Building Code, shall include two complete sets of plans showing the proposed work in sufficient detail and clarity to allow for a thorough plan examination to determine compliance with all applicable code provisions.
- h. The requirement for plans may be waived by the Building Official based upon a determination that the work is relatively minor in scope, routine in nature, and can be described adequately on the application form or addenda attached thereto.
- i. Applications for constructing any swimming pool which is regulated by any of the adopted codes shall include two complete sets of construction plans, one current property survey for the subject property, two site development plans showing the location of the pool, pool equipment, ladders and/or swimouts, doors and/or windows facing the pool deck, and elevation of the house floor finish, deck finish floor and surrounding grade; a completed electrical permit application; and a completed child safety barrier fence application, or a complete pool enclosure application. The fence and/or enclosure application may be omitted if an approved child safety barrier already exists on the property which will encompass the proposed swimming pool, or on above ground pools, if the swimming pool walls are a minimum of four feet higher than the surrounding grade and any access to the water is by way of fold up steps or some equivalent device.
- j. Applications for placement of new or used mobile homes within mobile home subdivisions shall include current property survey, and a site development plan showing all existing and proposed improvements and dimensions to all property lines.
- k. Applications for placement of new or used mobile homes within a mobile home park shall include a plot plan drawn to scale showing all existing and proposed improvements, and dimensions, and distance to all adjacent structures.
- l. All applicants for any type of permit under this Chapter 7, Article II, must be properly licensed and insured in accordance with State of Florida laws and regulations in effect at the time of the application, except that an owner-builder meeting all the criteria established by §489.103, Fla. Stat. or any successor provision, may apply for a permit without licensure if he or she provides an owner-builder affidavit sworn to by the applicant and a Notary Public.
- m. When any permit application is submitted to the Building Division, the application and the applicant's credentials will be verified to ensure they are complete and accompanied by all required information and documentation. Once the application and the applicant's credentials have been verified, the application and all accompanying documents shall be stamped with the date and entered into the permit tracking system. The Building Division shall not accept any application from a person lacking the proper credentials, nor shall the Division accept any application which is not complete or which omits any required information or documentation. If an application is found to be incomplete, the Division shall contact the applicant promptly to obtain the

missing information and documentation, or in its option the Division may return the application to the applicant.

- n. Upon receiving a permit application and associated documents, processed and deemed complete, the relevant information shall be entered into the permit tracking system, then a copy of the plans, specifications, and comment sheet shall be distributed to other involved parties, depending on the type of improvement being proposed. In all cases, the Building Official shall be the responsible custodian for all permit documents, throughout the plans examining process.
- o. Each party receiving application documents from the Building Official shall review them for compliance with the applicable codes and regulations, then return them promptly to the Building Official, along with a properly completed comment sheet. The Building Official shall track the process of the review by the various interested parties in the permit tracking system, and assure that all distributed application documents and comment sheets are returned in a timely manner to expedite the application review process. Upon receiving all distributed documents back from the various interested parties, the Building Official shall determine if the permit may be issued based on the comments received, in accordance with the following criteria:
 - 1. If any of the returned comment sheets indicate a disapproval, the Building Official shall promptly inform the applicant of the reason(s) for the disapproval, and maintain an ongoing dialogue with the applicant to facilitate a resolution of the problem.
 - 2. If all of the returned comment sheets indicate approvals, and the Building Official determines there is no need for a preliminary inspection of the subject property to be conducted, the Building Official shall issue the permit.
 - 3. Upon approval from the Building Official, the applicant will be contacted through the permitting system by electronic mail, with a request to pick up the permit and pay the final fees due.
- p. The Building Official may revoke any permit or approval under any of the following circumstances:
 - 1. When it is discovered that any of the documents submitted by the applicant or the contractor contains a falsification, misrepresentation, or error regarding a material fact;
 - 2. When any signature on any submitted document is found not to be the actual signature of the party represented to have signed;
 - 3. When a violation of any of the City's licensing ordinances or regulations is discovered;
 - 4. When any fee or charge imposed as a condition of issuance of a permit or approval, whether payable to the City or to another entity, is found to be uncollected or uncollectible, is not paid in full, or if a check issued for such fee or charge is returned unpaid due to stop payment, insufficient funds or other reason attributable to the applicant or contractor;
 - 5. When any inspector is denied entry onto the property during normal working hours; or
 - 6. When a stop work order issued by the Building Official is not complied with.

- q. Once a permit or approval has been revoked, an application for a new permit or approval must be submitted before work continues or resumes, along with any required fees as provided in the building permit fee resolution.

SECTION IV.

Article II, Section 7-21, of the Code of Ordinances of the City of Leesburg, Florida, is created to read as set forth below:

Sec. 7-21. Building Permits; Inspections; Certificate of Occupancy.

- a. A building permit is simply a license to proceed with the proposed work, and grants no authority to violate, cancel, alter, or set aside any applicable code, regulation, requirement, ordinance or law, regardless of what may be shown or omitted on the permit documents, and regardless of any statement by or agreement with any official.
- b. The work authorized by a permit must commence within 180 days after issuance of the permit, or the permit shall become null and void. For purposes of this section, work shall be deemed to have commenced only when physical activity for this the permit is required has taken place on site, and there has been at least one City inspection approving a significant level of work on the project. Once work has commenced, the permit shall become null and void if, in the Building Official's determination, there has been no significant progress on the project for a period of 180 days or more from the last City inspection approving a significant level of work on the project. In determining whether there has been significant progress, the Building Official shall visit the project site and review the inspection history over the previous 180 day period.
- c. All building permit fees and related charges shall be paid in accordance with the current fee resolution adopted by the City Commission, and available in the office of the City Clerk. See Article II, Chapter 7, Section 7-17 of the Code of Ordinances for further requirements regarding building permit fees and related fees.
- d. An early start permit may be issued to allow the contractor to begin work on a building, subject to limitations in this ordinance and in the documents approving the early start permit, while a building permit application is being processed.
 - 1. For residential structures, early start permits will be issued only for single family and two family dwellings, and shall permit only grading, preparation of the building pad, underground plumbing for a monolithic slab foundation, digging footings and setting steel rebar.
 - 2. For nonresidential structures, early start permits shall be issued only for interior alterations and site work, and shall authorize only the work required to be in place for the first inspection, including but not limited to demolition, framing, and rough-in electrical, plumbing, and mechanical work.
 - 3. No inspections will be performed under an early start permit. Inspections will be performed only after the primary building permit is issued.
 - 4. The Building Official may require the owner and contractor to execute a written agreement, and provide a bond or other guarantee, as a condition of receiving an early start permit. The agreement shall hold harmless and indemnify the City. The agreement and bond shall be reviewed for legal

form and sufficiency by the City Attorney. IF they are unacceptable, no early start permit may be issued. The City Attorney is authorized to draft form agreement for use by the Building Division in implementing the provisions of this subsection regarding early start permits.

5. A fee will be imposed for an early start permit, as specified in the fee resolution adopted by the City Commission.
- e. No work requiring a permit shall commence until the issued permit placard is conspicuously posted on the job site, in a manner and location that affords it protection from the weather, and allows the inspector to conveniently make written entries. If the placard is lost or destroyed, a duplicate replacement shall be secured from the Building Division on the first workday after such loss. No inspection will be performed unless a complete set of approved plans is available on the job site at the time of such inspection.
- f. The inspector who conducts the inspection shall leave a written approval of the work on the permit placard, or a copy of the written field correction notice if the work is not approved, in addition to any verbal approvals or denials the inspector may give.
- g. Upon completion and satisfactory final inspection, a Certificate of Occupancy will be issued in accordance with Section 111 of the Florida Building Code. The following may be issued prior to final inspection and approval, at the discretion of the Building Official:
 1. A temporary certificate of occupancy may be issued as provided in Section 111.3 of the Florida Building Code. A nonresidential building or addition thereto may be partially and temporarily utilized prior to final inspection, for limited purposes, upon issuance of a temporary use permit. The temporary use permit shall only be issued upon submittal of a written request, hold harmless and indemnity agreement in the form provided by the City, along with payment of a fee as provided in the fee resolution adopted by the City Commission, and only with approval of the Building Official or designee. The temporary use permit shall authorize utilization only for the specified purposes provided in that document, by the applicant's employees only, and shall not authorize the building or any portion of it to be open to the public. Special purposes may include independent installation of shelving, and stocking of merchandise. The temporary use permit shall be valid for a period not to exceed 30 days, and may be extended by the Building Official on a daily basis thereafter. No temporary use permit may be issued if the limited utilization proposed cannot be conducted in a safe manner consistent with life safety requirements, prior to final inspection. No temporary use permit shall be issued unless all requirements of Chapter 3, Section 6 have been met.
 2. A certificate of completion may be issued as provided in Section 111.5 of the Florida Building Code, which will be deemed to authorize limited occupancy of model homes subject to the limitations set forth in Chapter 5, Subsection 9.
 3. A pre-power may be issued when approved by the Building Official, upon submittal by the applicant of a form prescribed by the Building Division, which has been signed and notarized.

SECTION V.

Sections 7-36, 7-37, 7-51, 7-52, 7-53, 7-54, 7-86, 7-87, 7-88, and 7-89, of the Code of Ordinances of the City of Leesburg, are hereby repealed in their entirety. Sections 7-55 and 7-56 are hereby renumbered, respectively, to Sections 7-36 and 7-37, without further modification. Section 7-38 of the Code of Ordinances is hereby enacted to read as set forth below:

Sec. 7-38. Right to Enter and Inspect.

When necessary to make an inspection to enforce any provision of the Electric Code, or whenever the Building Official has reasonable cause to believe there exists in any building or on any premises an unsafe electrical condition or code violation, that renders such building or premises unsafe or hazardous to life or property, the Building Official or designee may enter such building, structure or premises at any reasonable times to inspect the same or to evaluate the conditions in the building or structure. Should such building, structure or premises be occupied the Building Official shall first attempt to contact the owner/occupant, present proper credentials and request entry. If the structure is unoccupied and open to entry the Building Official shall first make a reasonable effort to locate the owner or other persons having charge or control of such property to request entry before entry. If someone is located and entry permission is denied the Building Official shall have recourse to every remedy provided by law to secure entry.

Section 7-103 of the Code of Ordinances of the City of Leesburg is hereby amended to read as set forth below:

Sec. 7-103. Request to add additional meter to a Commercial Building.

The Following is required for adding an additional Electric meter to a Commercial Building

- (a) Addressing will need approval
- (b) All applicable permits will be required
- (c) A completed floor plan drawn to scale will be required to be submitted with permit application.
- (d) Wall separation required from all other tenant spaces.
- (e) All Mechanical, Electric, Plumbing completely separated from all tenant spaces and located within the space requesting meter.

SECTION VI.

Sections 7-116, 7-118, and 7-119, of the Code of Ordinances of the City of Leesburg, are hereby repealed in their entirety.

SECTION VII.

Sections 7-136, 7-138, and 7-139, of the Code of Ordinances of the City of Leesburg, are hereby repealed in their entirety.

SECTION VIII.

Sections 7-151, 7-153, and 7-154, of the Code of Ordinances of the City of Leesburg, are hereby repealed in their entirety.

SECTION IX.

Sections 7-166, 7-167, and 7-168, of the Code of Ordinances of the City of Leesburg, are hereby repealed in their entirety.

SECTION X.

Sections 7-196, 7-197, 7-198, and 7-199, of the Code of Ordinances of the City of Leesburg, are hereby repealed in their entirety. Section 7-200 of the Code of Ordinances is hereby amended to read as set forth below:

Sec. 7-200. Unsafe Structures, Enforcement and Cost Recovery

(a) Procedure for demolition of unsafe structures. The following procedure shall govern the identification, investigation, and potential demolition of structures determined to be unsafe within the City of Leesburg, except in situations where the Building Official determines that a building or structure presents an immediate threat to the public health, safety and welfare, in which event the Building Official may proceed with corrective action, including demolition, under the authority provided by the International Property Maintenance Code, the Florida Building code, and the other codes adopted in §7-16 of this Code of Ordinances.

(1) The process of code enforcement against unsafe structures may be initiated by the Building Official based on citizen complaint, by referral from other City personnel or departments, or by the Building Official on his own initiative.

(2) Once a structure has come to the attention of the Building Official which he or she believes may be potentially hazardous or unsafe, the Building Official shall determine the identity of the fee owner(s) of the underlying real property and also of anyone who has a mortgage, lien or other record interest in the property. The Building Official shall obtain a title search from the City Attorney or another source to verify ownership, encumbrances and other record interests.

(3) Once the Building Official has determined the identities of the property owners and others entitled to notice, written notice shall be given to each such person or entity, informing them of the fact the structure has been found to be potentially unsafe, and granting them sixty (60) days to bring the structure into compliance or make arrangements with the Building Official for other corrective action acceptable to the Building Official in the sound exercise of his discretion as governed by applicable codes and ordinances. Such notice shall be sent by both

regular first class U.S. Mail, and by certified mail—return receipt requested. In addition, as to any recipients of notice with addresses lying inside the municipal limits of the City of Leesburg, whose receipt of the certified mail was not confirmed, an attempt shall be made to hand deliver the notice to those recipients by the Building Official, his designee, or an officer of the Leesburg Police Department. The notice shall include the street address and legal description of the property, a brief statement of the reasons why the Building Official has determined that the structure may be unsafe, a citation to the section or sections of the Code applicable to the particular violations found to exist on the property, and a statement of the appeal rights of the recipient, and how and when to exercise those rights. Appeals from any determination made by the Building Official under this section shall be filed with the Building Official no later than 30 days after the date of the notice sent pursuant to this subsection, and shall be heard and decided by the Board of Adjustments and Appeals.

(6) If the conditions which led to issuance of the initial notice have not been resolved and no arrangements satisfactory to the Building Official have been made to alleviate those conditions by the end of the sixty (60) day notice period, no appeal has been filed, and if the Code Enforcement Special Magistrate has not previously found the property to be in violation of applicable codes such that it constitutes an unsafe structure or building, the case shall be referred to the Board of Adjustments and Appeals for a public hearing on the question of whether the determination of the Building Official that the building or structure is unsafe, and should be demolished, is correct and appropriate. All parties with an interest in the real property shall receive notice of this hearing as provided in the preceding subsection, and shall have standing to participate in the hearing. No such hearing shall be required if there has been an appeal filed which was decided in favor of the Building Official, or if the Special Magistrate has at any time in the past determined that the building or structure is unsafe and in violation of applicable codes.

(7) The Board of Adjustments and appeals shall issue written findings as to whether it is appropriate to move forward with the demolition of the building or structure, taking into account the condition of the building or structure; its effect on its environs; the willingness and ability of the property owner to accomplish the demolition of the structure or other necessary corrective action; the degree to which the property owner or others having an interest in the property responded to the violation notices and cooperated in the efforts of the city to alleviate the unsafe conditions on site; the feasibility and cost of any necessary demolition; any historical or cultural significance of the structure, as demonstrated by evidence presented at the hearing; whether the city, or some other party, has a need or an interest in acquiring the property for productive use and as a consequence whether the city should consider acquiring title to it by lien foreclosure if possible; and such other factors as the board may deem relevant in any particular case. If the Board recommends against demolition it shall state its reasons and also suggest what other methods it would deem appropriate to remedy the unsafe conditions.

(8) A copy of the written findings of the Board of Adjustments and Appeals shall be sent by first class U.S. Mail, to each recipient of the initial notice. If the Board recommends demolition, the Building Official shall proceed as expeditiously

as possible to implement that recommendation. If corrective work short of demolition is proposed by the Board in its findings, the Building Official shall investigate the feasibility of proceeding with such work and shall take any steps necessary, short of demolition, to alleviate any immediate threat to the public health, safety and welfare, caused by the condition of the building or structure.

(b) If after following the procedures outlined previously in this section, or in cases where the procedure is not utilized because of an immediate threat to the public health, safety and welfare, the Building Official proceeds with corrective work or demolition of an unsafe building or structure, once the demolition or corrective work is completed, the Building Official shall forward to the City Attorney an itemization of all costs associated with the enforcement proceeding, such as but not limited to staff time spent on investigation and enforcement, notification costs, expenses incurred to repair or demolish the structure, and costs of investigating other aspects of the property in accordance with the procedures established herein, costs for mailing and service of notices, costs associated with staff and committee investigations and reports, and actual costs of demolition. The City Attorney shall file a lien against the property for the costs of the enforcement proceeding. Such lien shall be recorded in the public records of Lake County, Florida, against the real property on which the unsafe building or structure is or was situated. The City Manager is hereby designated as the appropriate person to sign such liens and satisfactions or releases thereof. All such liens shall bear interest at the rate of twelve (12) percent per annum until paid and shall take priority over all other interests in the property other than the lien for ad valorem taxes, including but not limited to the interests of the fee owner, any holder of a mortgage against the property (whether or not of a purchase money nature), any holder of a construction lien, judgment lien or other lien or encumbrance against the property. Such liens shall have a duration of twenty (20) years commencing as of the date they are recorded in the public records of Lake County, Florida. At its option, at any time during the duration of the lien, the City may elect to foreclose the lien through judicial proceedings in the manner in which a mortgage against real property is foreclosed. Authorization from the City Commission, by resolution, shall be obtained before the filing of any action to foreclose a lien imposed under this section of the City Code.

SECTION XI.

All ordinances or part of ordinances which are in conflict with this Ordinance are hereby repealed, to the extent necessary to alleviate the conflict, but shall continue in effect insofar as they are not in conflict herewith, unless repeal of the conflicting portion destroys the overall intent and effect of any of the conflicting ordinance, in which case those ordinances so affected shall be hereby repealed in their entirety.

SECTION XII.

If any portion of this Ordinance is declared invalid or unenforceable, and to the extent that it is possible to do so without destroying the overall intent and effect of this Ordinance, the portion deemed invalid or unenforceable shall be severed herefrom and the remainder of the ordinance shall continue in full force and effect as if it were enacted without including the portion found to be invalid or unenforceable.

SECTION IV.

This Ordinance shall become effective upon its passage and adoption according to law.

PASSED AND ADOPTED at the regular meeting of the City Commission of the City of Leesburg, Florida, held on the _____ day of _____, 2016.

THE CITY OF LEESBURG, FLORIDA

BY: _____
JAY HURLEY, Mayor

Attest: _____
J. ANDI PURVIS, City Clerk

CITY OF LEESBURG
BUILDING PERMIT FEE SCHEDULE
Effective: June 1, 2016

When calculating permit fees, include 1.5% for FL Building Surcharge & 1.5% for FL Recovery Fund.

These fees will be added to the permit cost for each permit type

If the 1.5% is less than \$2.00, then the minimum of \$2.00 will be added for each permit type.

All fees are due at time of submittal of application. No partial payments for permits will be allowed

Administrative Cost	Permit Fee
Change of Primary Contractor	\$50.00
Change of Subcontractor	\$30.00
Modification of plans at anytime after initial submittal per trade	\$50.00
Approve or Re-Stamp Construction Plans after permit issuance	\$50.00
Pre-Power Approval forms for 1st 60 days	\$60.00
Temporary / Conditional Certificate of Occupancy	\$110.00
Replace Building Permit Card	\$5.00
Extension of Permit (only one 90-day extension may be granted)	Greater of 10% of original permit fee or \$100.00
Change of Use/Occupancy (inspection required)	\$150.00
Special Inspections - After Hours - Monday - Friday (min 2 hours)	\$75.00 per hour
Special Inspections - After Hours - Weekends / Holidays (min. 2 hours)	\$150.00 per hour
Contractor Registration Fee	\$20.00
Partial Inspections (base fee includes 1 inspection)	\$50.00
Reinspection	\$50.00
Plan Review Fee	50% of Permit Cost

Commercial Permits	Permit Fee
	<i>Square Footage Rate (Under Roof)</i>
Building	\$0.91 per square foot \$180.00 minimum
All alterations/renovations and shell	1/2 of the commercial sq ft rate \$180.00 minimum
Warehouses (does not include mini-warehouses)	1/2 of the commercial sq ft rate \$180.00 minimum
Marine	\$0.16 per square foot \$90.00 minimum
Foundations (including plumbing); shell is still 1/2 square foot rate	\$0.12 per sqft; \$180.00 min
Early Start Permit	\$200.00
Roofing - Commercial	\$0.04 per sqft; \$180.00 min

Residential Permits (1 and 2 family dwellings and townhomes)	Permit Fee
	<i>Square Footage Rate (Under Roof)</i>
Building	\$0.55 per square foot \$90.00 minimum
All Alterations/Renovations and Shell	1/2 of the residential sq ft rate \$90.00 minimum
Roofing - Residential	\$0.04 per sqft; \$120.00 min
Early Start Permit	\$100.00

SIGN PERMITS	PERMIT FEE
Sign Permit: For Issuing Each Permit	\$90.00
Sign With Electric	\$120.00
Wall Hung Signs - per sq ft / per side	\$0.30
Free Standing Signs - per sq ft / per side	\$0.48

MOBILE HOME PERMITS	PERMIT FEE
Manufactured Homes Permit Fees - includes set up, elec, plumb and mechanical	\$360.00
Modular Home / Modular Buildings, DCA approved	same as manufactured home
Fees for additions to manufactured homes shall be calculated the same as building permit fee/aluminum permit fee	

TRADE PERMITS	PERMIT FEE
Minimum for all trade permits	Res. \$90.00; Comm. \$120.00
Mechanical (per mechanical system)	\$0.06 per sq ft
Mechanical - warehouse	1/2 Mechanical Rate
Electrical (per service equipment)	\$0.06 per sq ft
Electrical - warehouse	1/2 Electrical Rate
Plumbing	\$0.06 per sq ft
Plumbing - warehouse	1/2 Plumbing Rate
Gas Piping / Fixtures	\$0.06 per sq ft
Mechanical Hood	\$180.00

Miscellaneous Permits	Permit Fee
Aluminum Construction without slab / foundation	\$0.18 per sq ft; \$90.00 minimum
Aluminum Construction with slab / foundation	\$0.30 per sq st; \$120.00 minimum
Pool enclosures without slab / foundation	1/2 aluminum rate; \$90.00 minimum
Pool enclosures with slab / foundation	1/2 aluminum rate; \$120.00 minimum
Tent	\$90.00
Fence (does not include utility structures)	\$60.00
Preliminary Inspection Prior to the moving or setup of any building or structure	\$120.00
Demolition - Any Building or Structure or Interior	\$132.00
General Permit for jobs not covered on fee schedule, job evaluation cost below \$800.00 with Building Official approval	\$25.00

SWIMMING POOL PERMITS	PERMIT FEE
Spa	\$120.00
Private above ground swimming pools	\$120.00
Private in ground swimming pools	\$300.00
Commercial Swimming Pools	\$420.00

PERMIT RENEWALS	PERMIT RENEWAL FEE
<i>NOTE: When reviewing a building permit, the following percentages shall be used for purposes of calculating the fee (the percentage represents the work completed). Does not include electrical</i>	
If first inspection was never made, renewal must be at full current value	100.00%
Slab inspection approved and slab poured	80.00%
Lintel Inspection Approved	60.00%
Framing and Rough Out Inspections Approved	40.00%
Insulation Inspection Approved	20.00%
For Final Inspections Only	10.00%
Electrical, plumbing, fire, gas, and mechanical permit renewal fees	Minimum Permit Fee for Each

WORKING WITHOUT PERMITS	FEE IMPOSED
If any person commences work on a building or structure before obtaining the necessary permits, they shall be subject to a penalty as specified.	\$150.00 or double the permit fee Whichever is greater



AGENDA MEMORANDUM

Item No: 6F.

Meeting Date: February 22, 2016

From: Mike Thornton, Purchasing Manager

Subject: Resolution approving the final ranking of the companies responding to RFP 160172 for the Kids Korner Playground.

Staff Recommendation:

Staff recommends approval of the final ranking of companies submitting proposals in response to Request for Proposal (RFP) 160172.

Analysis:

The purpose of this resolution is to obtain Commission approval and acceptance of the final ranking determined by the Evaluation Committee. If approved by Commission the Purchasing Division will coordinate negotiations and presentations with the number one ranked company, GameTime, in developing a final design of the Kids Korner playground.

The Evaluation Committee consisted of 3 citizens and 3 city staff. Recreation Director Travis Rima is the Committee Chairperson.

The next steps will be: 1) the Committee to agree on a final design; 2) present the final design to the Recreation Advisory Board; 3) bring the final design and contract back to Commission for approval.

Procurement Analysis:

On December 28, 2015 the Purchasing Division issued RFP 160172 for the design, purchase, and installation of playground equipment to replace the existing Kids Korner playground. Staff from Purchasing and Public Works selected 4 companies to participate in the process. These companies were selected from National Cooperative contracts. The companies are known to provide the type of equipment and services necessary for the City's project. Opening the process up to more than these 4 companies would have resulted in many more proposals from other companies. Some companies the City may not want to consider using on this project. The increased number of proposals would have also lengthened the time for evaluations to be completed.

On January 28, 2016 Purchasing received a response from each of the 4 eligible companies. The Evaluation Committee was provided instructions for the evaluation process and on February 11, 2016 a Consensus Meeting was held to review committee scoring and the resulting ranking. A consensus was reached on the final ranking as reflected here.

Ranking	Company
1	GameTime (Dominica Recreation Products)
2	Advanced Recreational Concepts
3	REP Services (proposing Landscape Structures Incorporated)
4	KOMPAN, Inc.

The evaluation criteria used and the associated weight are provided here.

EVALUATION CRITERIA	WEIGHTING
Experience/Qualifications/References – Section A	30 weight
Proposed Designs – Section B	50 weight
Overall Value – Sections C	35 weight
Installation – Sections D	20 weight
Equipment Availability, Lead Time & Point of Origin - Section D	35 weight
Overall Impression of the Respondent & Proposal	10 weight
Total Weight Score Possible	180 weight
BASE POINTS AVAILABLE (Ranking 0-5 multiplied by weight)	900 Base Points
Local Vendor Preference <ul style="list-style-type: none"> a. Tier I Local Vendor – Within Leesburg city limits or a Leesburg utility customer – Receives ten (10) Points b. Tier II Local Vendor – Not a Tier I Local Vendor but within a 20-mile radius of the intersection of Main / 14th Streets – Receives four (4) Points Awarded to qualifying vendors in addition to the base points.	10 points Maximum
BONUS POINTS AVAILABLE	10 points

Options:

1. Approve the final ranking as determined by the Evaluation Committee; or
2. Such alternative action as the Commission may deem appropriate

Fiscal Impact:

This item carries no fiscal impact at this time. The final negotiated design and contract will be brought back to Commission for consideration at a later date.

Submission Date and Time: 2/18/2016 2:38 PM

Department: <u>Public Works</u> Prepared by: <u>Mike Thornton</u> Attachments: Yes___ No___ Advertised: <u>Not Required</u> <input checked="" type="checkbox"/> Dates: _____ Attorney Review : Yes___ No___ _____ Revised 6/10/04	Reviewed by: Dept. Head _____ Finance Dept. _____ Deputy C.M. _____ Submitted by: City Manager _____	Account No. _____ Project No. _____ WF No. _____ Budget _____ Available _____
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RESOLUTION NO. _____

**RESOLUTION OF THE CITY COMMISSION OF THE CITY OF
LEESBURG, FLORIDA APPROVING THE FINAL RANKING
AND FIRM SELECTION BY THE EVALUATION COMMITTEE
FOR RFP 160172 - PLAYGROUND DESIGN, FURNISH, AND
INSTALLATION AT VENETIAN GARDENS; AND PROVIDING
AN EFFECTIVE DATE.**

WHEREAS the City issued Request for Proposal 160172 requesting companies to submit designs, equipment information, and pricing for the replacement of the Kids Korner Playground.

WHEREAS a City Evaluation Committee was convened and has evaluated all submittals and have arrived at a consensus on the final ranking of said submittals.

WHEREAS the final ranking of responding companies is as follows:

<u>Ranking</u>	<u>Company</u>
1	GameTime (Dominica Recreation Products)
2	Advanced Recreational Concepts
3	REP Services (proposing Landscape Structures Incorporated)
4	KOMPAN, Inc.

**BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LEESBURG,
FLORIDA:**

THAT the City Commission hereby accept and approve the final ranking of the companies responding to Request for Proposal 160172.

THAT this resolution shall become effective immediately.

PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at a regular meeting held the 22nd day of February, 2016.

Mayor

ATTEST:

City Clerk

RFP 160172 – Playground Furnish & Install – Kids Korner
City of Leesburg, Florida

List of Respondents - Alphabetically

The firms listed here submitted responses to City of Leesburg Request for Proposals 160172 before the appointed due date and time. Submitting firms are reminded communications of any type related to this solicitation with **ANY** City of Leesburg employee, official, or representative, other than the designated procurement representative, are not permitted.

Participation in this solicitation was restricted to the below listed manufacturers or their authorized resellers/distributors.

Advanced Recreational Concepts

(Playcraft Systems, Inc.)
3125 Skyway Circle
Melbourne, FL 32934

Dominica Recreation Products

(Playcore d/b/a GameTime)
P.O. Box 520700
Longwood, FL 32752-0700

KOMPAN, Inc.

930 Broadway
Tacoma, WA 98402

REP Services, Inc.

(Landscape Structures – LSI)
581 Technology Park, Suite 1009
Lake Mary, FL 32746

--- No other responses received. ---

Florida Statute 119.071 (b)1.a. Sealed bids or proposals received by an agency pursuant to invitations to bid or requests for proposals are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution until such time as the agency provides notice of a decision or intended decision pursuant to s. 120.57(3)(a) or within 30 days after bid or proposal opening, whichever is earlier.

Summary of Rankings															
RFP 160172 - Playground Installation - Kids Corner															
Vendor Name	OVERALL TOTALS			Evaluator 1		Evaluator 2		Evaluator 3		Evaluator 4		Evaluator 5		Evaluator 6	
	Rank	Total Ord.	Points	Score	Rank	Score	Rank	Score	Rank	Score	Rank	Score	Rank	Score	Rank
Advanced Recreational Concepts	2	15	2544	465	4	636	2	760	2	683	3	660	3	690	1
GameTime (DRP)	1	9	3276	900	1	824	1	777.5	1	774	1	745	2	483	3
KOMPAN, Inc.	4	19	2317	550	3	515	3	568	3	684	2	560	4	340	4
REP Serivces, Inc. (LSI)	3	16	2307	900	1	383	4	402.5	4	622	4	765	1	564	2